WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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Jun 9 4 07 PM '93

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AGENCY: W. Va. Racing Commission TITLE NUMBER: 178 Series 1

AMENDMENT TO AN EXISTING RULE: YES X, NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ____

TITLE OF RULE BEING AMENDED: Thoroughbred Racing

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 100

SECTION 64-7-5(dd), PASSED ON May 26, 1993.

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: June 9, 1993

Lois J. Graham

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer help we can get)

FAX: (304) 558-0900

May 28, 1993

Lois Graham, Ex Sec
Racing Commission
P.O. Box 3327
Charleston, WV 25333-3327

HB 100 authorizing, **Title 178, Series 1, Thoroughbred Racing**, passed the Legislature on **May 26, 1993.** It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office. Authorization for your legislative rule is cited in **HB 100** section **64-7-5(dd).** The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

***IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, **PLEASE SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT,** TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE **MUST** BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, **WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT,** AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

GASTON CAPERTON
GOVERNOR

State of West Virginia
Department of Tax and Revenue
TAX DIVISION
P. O. Box 2389
Charleston, WV 25328-2389

JAMES H. PAIGE III
SECRETARY

FILED
JAN 20 1 35 PM '93
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

CONSENT TO FILE RULE

January 19, 1993

To Whom It May Concern:

Title of Rule: Thoroughbred Racing

Title Number: 178

Series Number: 1

Pursuant to West Virginia Code § 5F-2-2(a), the undersigned hereby consents to the filing of the foregoing rule.

Signed this 19th day of January, 1993.

James H. Paige III

James H. Paige, III
Secretary, Tax and Revenue

FILED

JAN 20 1 35 PM '93

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

MODIFIED

WEST VIRGINIA LEGISLATIVE REGULATIONS
DEPARTMENT OF TAX AND REVENUES
TITLE 178
SERIES 1

THOROUGHBRED RACING

§ 178-1-1. General.

1.1 Scope - These rules regulate the conduct of thoroughbred racing in this State.

1.2 Authority - W. Va. Code 19-23-6.

1.3 Filing Date -

1.4 Effective Date -

§ 178-1-2. Definitions - As used in these regulations and unless the context clearly requires a different meaning, the following terms shall have the meaning ascribed herein, and shall apply in the singular and in the plural.

2.1 "Age" means the age of a horse is reckoned as beginning on the first day of January in the year in which it is foaled.

2.2 "Arrears" includes all moneys due for entrance forfeits, fees (including jockey's fees), fines, subscriptions stake, purchase money in claiming or selling races and also any default in money incident to the rules.

2.3 "Association" means a person or persons, partnership or corporate body licensed by the Commission to conduct a meeting where horse racing shall be permitted for any stake, purse or reward.

2.4 "Authorized Agent" means a person appointed by an owner to act as his representative, the appointment to be designated in a notarized document signed by the owner and deposited with the Commission.

2.5 "Bookmaking" means a form of gambling that is not authorized by law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.

2.6 "Bred" means the place of a horse's birth.

2.7 "Breeder" means the owner of the horse's dam at the time of foaling.

2.8 "Claiming Race" means a race in which, according to the conditions, any of the horses engaged may be claimed.

2.9 "Commission" means the West Virginia Racing Commission.

2.10 "Commissioner" means a member of the West Virginia Racing Commission.

2.11 A "Handicap" is a race in which the weights to be carried by the horses are adjusted by the handicapper, for the purpose of equalizing their chances of winning.

2.12 "Horse" includes mare, gelding, colt and filly. For racing purposes and programming horses shall be designated as follows:

MALE - horse, colt, gelding or ridgling.
FEMALE - filly or mare.

2.13 "Maiden" means a horse which has never, in any country, won a race on the flat, other than a match or private sweepstakes, and a maiden which has been disqualified after having finished first is still a maiden. Conditions referring to "Maidens" shall mean maiden at the time of starting.

2.14 "Match" means a private sweepstakes made between two (2) horses. If either party to a match dies or a dead heat is run the match is off.

2.15 "Nominator" means the person in whose name the horse is entered for a race.

2.16 "Overnight" means an event for which the entries close, or if a handicap, acceptances are to be made, seventy-two (72) hours or less (exclusive of Sunday) before the time set for the first race on the day on which such race is to be run.

2.17 "Owner" includes part owner or lessee, but an interest in the winnings only of a horse shall not constitute ownership.

2.18 "Post Time" means the time set for the arrival at the starting point of the horses in a race and must be shown at a reasonable time prior to the race on a clock device, provided for the purpose, prominently displayed and clearly readable from the grandstand.

2.19 "Private Sweepstakes" means one to which no money or other prize is added and which, previous to closing, has not been advertised, either by publication, or by circular, or entry blank, or in any other way.

2.20 "Produce Race" means one to be run for by the produce of horses named or described at the time of entry.

2.21 "Purse Race" means a race for money or other prize to which the owners of the horses engaged do not contribute.

2.22 "Race" means a stake, a purse, a sweepstakes, a private sweepstakes, a match or an overnight event, but does not include a steeplechase or hurdle race.

2.23 "Recognized Meeting" means: (a) A meeting held under license of the West Virginia Racing Commission; (b) a meeting held in this or any other country under the sanction of a Commission or turf authority whose jurisdiction over racing of any nature is recognized by the West Virginia Racing Commission, and which gives effect to sentences imposed by the West Virginia Racing Commission upon those guilty of improper turf practices.

2.24 "Ruled-off" means the act of disallowing a person to enter or remain upon the premises of any or all race tracks and/or simulcast facilities.

2.25 "Starter" is a horse in a stall at the starting gate when the stall doors of the starting gate open in front of the horse at the time the starter dispatches the field.

2.26 "Sweepstakes" means a race in which the entrance fee, subscription and/or other contribution of three (3) or more owners, is distributed according to the conditions of the race; and any such race is still a sweepstakes when money or other prize is added, but no overnight race, whatever its conditions, shall be considered to be a sweepstakes.

2.27 "Thoroughbred Race or Thoroughbred Racing" means that form of horse racing in which each horse participating in such race is a thoroughbred (i.e., meeting the requirements of and registered with The Jockey Club of New York) and is mounted by a jockey.

2.28 "Touting" means soliciting or providing betting tips on animals for a profit in races under the jurisdiction of the Commission, except that this will not apply to authorized tip

sheets specified in the rules of racing.

2.29 "Walkover" means a race in which only one (1) horse starts or in which all the starters are owned by the same interest.

2.30 "Weight for Age" means standard weight according to the rules. A "Weight for Age Race" is one in which all horses carry weight according to the scale, without penalties or allowances.

§ 178-1-3. Calculation of time.

3.1 When the last day for doing anything under these rules falls on a Sunday, it may be done on the following Monday, unless a race to which such act relates is appointed for that day, in which case it must be done on the previous Saturday.

3.2 A "Month" means a calendar month; a "Day" means twenty four (24) hours ending at midnight; and a "Year" means a calendar year.

§ 178-1-4. Administrative.

4.1 The Rules of Racing herein prescribed and any amendments or additions thereto apply to all persons, associations, partnerships or corporations holding, conducting or participating in and/or patrons at a meeting within the State of West Virginia, licensed by its Racing Commission.

4.2 In reading the rules, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the State of West Virginia.

4.3 The Commission may rescind or modify any penalty or decision on infraction of the rules imposed or made by the racing officials. The laws of the State of West Virginia and the rules promulgated by the Commission supersede the conditions of a race or the Regulations of a Racing Association.

4.4 Members of the West Virginia Racing Commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds and mutuel plants of the association licensed to conduct horse racing in West Virginia.

4.5 The Commission or the stewards of any licensed meeting shall have the right to permit and direct any person or persons

authorized by them or either of them to enter in or upon the stables, rooms, trailers, vehicles or other places within the grounds of the association, at which a licensed race meeting is held or at other tracks or places where horses are kept which are eligible to race at said meeting, to inspect and examine the person of a trainer, jockey, apprentice, stable foreman, exercise boy, authorized agent, veterinarian or of any other person who has been granted a license by the Commission; and each licensee in accepting his license does thereby consent thereto.

4.6 Every person participating in and every patron of a licensed race meeting shall abide by said laws and rules, and accept the stewards' decisions on any and all questions, subject to the right of appeal to the Racing Commission.

4.7 No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

4.8 Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the association and the Racing Commission; Provided, however, That all licensed personnel ejected shall have the right of appeal to the Racing Commission.

4.9 The state steward shall sound the bell closing the pari-mutuel machines when the starter dispatches the field.

4.10 The holder of a claim whether it be a mortgage, bill of sale or lien of any kind against a horse, shall be required to file the same with the Horsemen Bookkeeper previous to the time the horse starts. Failure to do so shall forfeit his rights in the winnings of the horse previous to the time his claim is properly filed.

4.11 No person who is the holder of a racing permit or a director, officer or any employee of a corporation, association, trust or partnership having or holding such permit for a commercial horse race meeting, or has any substantial financial interest in such corporation, association, trust or partnership shall race or permit or cause to be raced any horse in which he has an interest, either direct or indirect, at any meeting where racing is conducted under such permit. A substantial interest is hereby defined as being ownership or interest, direct or indirect, of twenty percent (20%) or more in the corporation, association, trust or partnership.

§ 178-1-5. Financial Responsibilities.

5.1 Any official, owner, trainer or any person licensed by the West Virginia Racing Commission who shall obtain food, feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or others, whether they be licensed or not, and fails to pay the person or persons from whom said services or supplies are obtained shall be guilty of conduct detrimental to the best interests of racing and may be suspended at the discretion of the stewards or the Commission; however, neither the association nor the West Virginia Racing Commission shall be obliged to collect debts from horsemen or other personnel licensed by the Commission.

5.2 Checks. No licensee shall write, issue, make or present any check in payment for any licensee fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonable know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is written on a closed account or a non-existent account. The fact that such a check is returned to the payee by the bank as refused is a ground for suspension pending satisfactory redemption of the returned check.

§ 178-1-6. Minors.

6.1 The term minor shall be determined by and be in accordance with the Laws of the State of West Virginia.

6.2 No minor shall be sold a pari-mutuel ticket by any racing association nor shall he be employed in any manner about said track, excepting he be a jockey, jockey apprentice, exercise boy, groom errand boy or employed in such other capacity as the Commission may approve.

6.3 No stable may have in its employment, in any capacity, any employee under sixteen (16) years of age.

6.4 It shall be the responsibility of the racing association conducting a racing meet under a license issued by the West Virginia Racing Commission to assure that all children under the age of sixteen (16) years are properly supervised by an adult when admitted to the racing enclosure. Should this become a repeated problem, the licensed racing association shall be fined two hundred

fifty dollars ($250) per occurrence. No minor under the age of eight (8) years may be permitted in a restricted area prior to twelve noon on any race day, except in case of an emergency. Any minor eight (8) years of age or older may be admitted to a restricted area with the permission of the stewards. Failure of any licensee or permit holder to properly supervise any minor admitted with the licensee or permit holder to a restricted area shall be fined not less than two hundred fifty dollars ($250) and/or suspended.

§ 178-1-7. Telephone, telegraph, radio and television.

7.1 No telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, mechanical, manual or visual communication, shall be installed within the enclosure of an association, until same has been approved by the Racing Commission.

7.2 Associations may allow telephone or telegraph wires on their respective grounds during their race meeting for the benefit of the public press or transacting ordinary business, but no information regarding the results of any race shall be transmitted out of a race track unless prior approval has been granted by the Racing Commission until the results are official,
nor shall any message be sent over said wires transmitting money, or other things of value or directing the placing of any wager on the result of a race; nor shall any message be sent in cipher or code, nor unless the same is in plain and intelligible English, under penalty of forfeiture of license.

7.3 An approved type telephone or intercommunication system shall be provided by the association to maintain contact between the stewards and other designated stations.

7.4 All instruments of communication other than those designed for the sole use of the Commission or those approved by the Commission for use during racing hours must be disconnected and not reconnected for use between the hours starting thirty (30) minutes before post time for the first race and the flashing of the "Official" sign following the last race.

7.5 No telephone calls, telegrams or messages of any kind for any person or persons attending or participating in the conduct of a race meeting shall be accepted nor shall any notice be given pertaining to such message or telephone call starting thirty (30) minutes before post time for the first race and the flashing of the

"official" sign following the last race unless permission is first given by the stewards or an officer or the general manager of the racing association.

7.6 Each association shall furnish to the Commission a list showing the location of all radio and television equipment located within its plant, together with all telephone, teletype and telegraph wires to and within the grounds upon which its race track is located.

§ 178-1-8. Associations.

8.1 Application for license, filing - Application to the Commission for license to conduct a race meeting must be filed yearly with the Commission, signed by an executive officer of the association, at the time and place designated by the Commission. Said application shall be on the forms prescribed by the Commission.

8.1.1 All applicants for licenses issued by the Commission are required, and all applicants seeking renewal of a license or the issuance or renewal of a permit may be required to furnish their respective fingerprints for examination by the West Virginia Criminal Investigation Division and the Federal Bureau of Investigation. The fingerprints shall be furnished by all persons required to be named in the application and shall be accompanied by a signed authorization for the release of information by such Criminal Investigation Division and Federal Bureau of Investigation.

8.2 Duty of licensed association. -- Each association shall observe and enforce the Rules of Racing and all regulations and orders of the Commission. The license is granted on the condition that the association, its officials, its employees and its concessionaires shall respect any and all decisions and orders of the Commission.

8.3 Jurisdiction of the Commission. -- The jurisdiction of the Commission over matters related to subjects covered by law or the Rules and/or Regulations of the Commission is continuous throughout the year.

8.4 Each licensee shall file an annual balance sheet and profit and loss statement on or before the 15th of April of each year unless otherwise authorized by the Commission covering all income and disbursements relating directly and indirectly to horse

racing activities in the state, including, but not limited to, the following: Concessions, programs, parking, pari-mutuel wagering, breakage, etc.

8.5 All associations granted a license from this Commission shall, at least thirty (30) days before each meeting, submit the names of the officers and a complete list of administrative personnel, showing addresses, duties and compensations; and at least two (2) weeks after the start of each meeting, submit a complete list of all other employees, with addresses, duties and compensations. All additions or changes in the above personnel must be promptly reported to the Commission for its approval. An association failing to furnish such required information may be fined two hundred fifty dollars ($250) for each day in violation.

8.6 The secretary of the corporation conducting racing in West Virginia shall provide to the Commission a list of all stockholders of the corporation within one (1) week after they have closed stock transfer books, prior to the annual meeting.

8.6.1 The shareholders of an association may, with the written approval of the Commission, transfer the associations' license through the sale of association stock. However, assumption of the license through the sale of stock shall not be considered the sale of the associations' assets.

8.7 Each association conducting races on any tracks shall, before distribution, submit to the Commission the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which shall be subject to the approval of the Commission. All proposed purses shall be exclusive of any entrance or starting fees that may be charged.

8.8 The minimum number of races per day at all race tracks under supervision of the West Virginia Racing Commission shall be eight (8), and the maximum number of races per day shall be ten (10), unless otherwise authorized by the Commission.

8.9 Racing associations shall furnish and maintain at least one (1) human ambulance and at least one (1) horse ambulance each day that their tracks may be open for racing or exercising horses, equipped, ready for immediate duty, and to be placed at an entrance to the racing strip, so that no time may be lost in answering calls.

8.10 Each racing association shall police its grounds at all

times in such a manner as to preclude the admission of any person in and around the stables, excepting those being duly licensed by the Commission.

8.11 Each racing association shall equip and maintain at its track at least one (1) temporary hospital provided with adequate beds and equipped with such first aid appliances and material as shall be approved by the Commission; and each association shall meet minimum staffing requirements of emergency service personnel during all exercising and racing hours, employing an emergency medical technician and an individual trained in cardiopulmonary resuscitation. Additionally, each association shall employ a paramedic and a registered nurse during all racing hours.

8.12 Each racing association shall provide and maintain one (1) unit of adequate starting gates on every race day of its meeting, and every day during the racing season on which it permits the exercising of horses on its racing strip; and an additional reserve unit of such starting gates shall be provided and maintained on every race day. Each association shall use every reasonable endeavor to have in attendance, whenever said gates are in use, one or more men skilled and qualified to keep said gates in good working order, and shall also provide for such periodical inspections thereof as may be required by the Commission.

8.13 Each racing association shall exclude from the paddock, in the interest of public safety, all persons who have no immediate business with the horses entered.

8.14 Each racing association with mutuel privileges shall, at least thirty (30) days prior to the opening date of each meeting, submit to the Commission the proposed total purse distribution, exclusive of stake races, and the stake, purse or reward for all races it proposes to hold during the next ensuing meeting, all of which shall be subject to the approval of the Commission. The minimum purse for all races shall be one thousand five hundred dollars ($1,500).

8.15 Each racing association shall pay the state patrol judge approved by the Commission and assigned to duty on the grounds of said association, such rate of compensation as prescribed by the Commission.

8.16 No racing association conducting a race meeting under a license issued by the Commission shall permit bets to be made on the grounds of said association on any race run outside of said

grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds, nor shall the association provide or permit to be provided any conveniences or facilities for the use of bookmakers, betting commissioners, their agents or their employees. No facilities will be provided or permitted for the handling of "Come-back" money at the track. The maintenance of credit accounts, the payment of commissions in any form, the providing of telephone or other communication services and any other form of aid to bookmakers, betting commissioners, their agents or their employees is prohibited and any licensee violating the provisions of this section shall have its license revoked or such other penalty imposed as the Commission, in its discretion, may determine. This rule is not intended to include wire service privileges or any other form of communication service privileges to legitimate and approved news outlets which do not service bookmakers, betting commissioners, or their agents or employees, but approval of the Commission for such other form of communication service privileges must be obtained before the beginning of the race meeting for which the license is granted.

8.17 No racing association shall permit the making of handbooks on its grounds, and if such practices are found to exist, such association shall take immediate steps to eliminate the same under penalty of having its license revoked, in the discretion of the Commission, and any owner, trainer, jockey, groom or other person interested in any horse or horses at said meeting, who shall bet with or through any such handbook shall be ejected from the grounds, and refused admission to the grounds of all other licensed associations in West Virginia, and in the case of the owner of any horse, the entries of said owner shall be refused for all West Virginia tracks.

8.18 Stands for judges, timers and stewards shall be maintained in positions commanding an uninterrupted view of the entire racing strip and shall be appropriately maintained and furnished, all of which shall be subject to approval by the Commission.

8.19 Distance poles of all racing associations shall be of standard color designations which are, namely:

1/4 POLES - Red and White
1/8 POLES - Green and White
1/16 POLES - Black and White

8.20 The association shall maintain a sufficient number of

police officers to maintain order on all parts of the racing enclosure; and no tipsters shall be allowed in any part of the betting ring or anywhere else upon the grounds or buildings of said association; and no stable boy, exercise boy, groom, jockey, or stable attendant shall loiter in the betting ring, or any place else, with the evident intention of engaging in tipping for any remuneration or for nothing, and anyone so found shall be immediately escorted to the General Manager of the Association, and his badge shall be taken up and a written report thereof immediately made to his employer and to the Commission. No employer shall harbor or continue to employ any such person so reported.

8.21 Post time for the first race at each meeting under the supervision of the West Virginia Racing Commission, shall first be approved by the Commission, and each race thereafter shall be run at intervals to be approved by the Commission, unless an emergency arises, and in that event the final decision shall be in the hands of the steward representing the Commission.

8.22 All forms of wagering such as daily doubles, perfectas, exactas and similar pool systems may only be used with the permission of the Commission.

8.23 Each association shall provide within its grounds an office and suitable parking space for the use, and to be at the disposal, of the West Virginia Racing Commission and all its representatives. The office shall offer sufficient space for private consultation, shall be equipped with a telephone and it must also have sufficient space for the harboring of Commission records and supplies under lock, and the key shall be available only to the secretary of the Commission or the steward representing said Commission. The Commission employees shall have free access to all parts of the grounds while on duty. The association shall likewise provide sufficient office space for the state license clerk and state security officer as requested by the Commission.

8.24 Each barn shall be numbered and each and every stall therein shall be numbered and a record of each designation filed with the racing secretary.

8.25 Any racing association contemplating a change of any kind pertaining to the racing strip, or the erection of new buildings, stands or other structures, or the remodeling of any of these, which are to be used as a part of the facilities for conducting a race meeting, on the grounds of the association, shall

notify the Racing Commission.

8.26 Each racing association's liability insurance coverage shall have an endorsement naming by position the following: Three (3) stewards, racing secretary, the patrol judges, the clerk of scales, the placing judges, the identifiers, starter and state veterinarians, as additional named insured; and to include personal liability coverage at the limits of the association policy, but not to be less than five hundred thousand dollars ($500,000) limit per named official.

§ 178-1-9. Officials.

9.1 Officials of a race meeting, unless otherwise approved by the Commission, are as follows: Three (3) stewards; three (3) placing judges; one or more patrol judges; clerk of the scales; starter; handicapper; timer; paddock judge; veterinarian; state security officer; racing secretary; horse identifier and jockey room custodian.

9.2 No person shall be approved by the Commission as a steward, placing judge, patrol judge, performance observer or such other official as the association may designate, from time to time, unless within one (1) year prior thereto he has taken and satisfactorily passed an optical examination.

9.3 Unless prior approval is obtained from the Commission, no person shall be approved as an official of any race track who is an officer of that race track or who has any financial interest in that track, or who has any financial interest in any jockey or horses running on the track, excepting such interest in a horse as he may have as a breeder.

9.4 No official, photo finish photographer, assistant starter or paddock staff, shall directly or indirectly wager money or any other thing of value on the result of a race.

9.5 Drinking of intoxicating liquor, or use of drugs, by any racing official or track employee, or licensee, or being under the influence of alcohol or drugs while on duty, is prohibited. Any person violating this rule may be relieved of his duties by the stewards or a representative of the racing association.

9.6 Where a vacancy occurs among the racing officials other than the stewards, and the association has not notified the stewards of the vacancy prior to the post time of the first race of

the day, or should a vacancy occur during the running of the races, the stewards shall fill the vacancy immediately.

9.7 All other officials herein designated shall be appointed by the Association holding the meeting, with the exception of one (1) patrol judge, a state security officer, auditor of pari-mutuels, a license clerk and a state veterinarian, who shall be appointed by the Commission. The stewards shall be appointed in accordance with Section 10.1 herein. All the appointments, however, are subject to the approval of the West Virginia Racing Commission, which reserves the right to demand a change of personnel for what the Commission, in its sole discretion, deems good and sufficient reason, the successor to the official so replaced to be subject to the approval of the Commission.

§ 178-1-10. Stewards.

10.1 There shall be three (3) stewards for each race meeting. One (1) of the stewards for each race meeting shall be named by the Commission. The association holding the meeting shall name the second steward; and the two (2) stewards so selected shall name the third. In the event of a disagreement between the two (2) stewards in naming the third steward, it shall then become the duty of the West Virginia Racing Commission to make the third appointment. In the event a steward is temporarily incapacitated or for some sufficient reason cannot serve, the Commission or state steward shall deputize someone to serve for him in his absence; Provided, That should the Association steward be temporarily incapacitated or for some sufficient reason be unable to serve, the Racing Association shall deputize someone to serve for him in his absence.

10.2 The stewards are strictly responsible to the Commission for the conduct of all recognized meetings in every detail, directly or indirectly, pertaining to the laws and rules of the Commission relating to racing.

10.3 The stewards have general supervision and authority over all licensees and other persons attendant on horses and also over the enclosurers of any recognized meeting.

10.4 All entries and declarations are under the supervision of the stewards, and they may, with notice, refuse the entries of any person or the transfer of any entries, and they may also, in their discretion, limit the entries by providing that no horse shall be entered for two (2) races in one (1) day.

10.5 In their discretion, where fraud is suspected, the stewards shall have the right to put upon a horse a rider selected by them.

10.6 No person may refuse to testify before the stewards at any formal hearing on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege or unless representation is requested by an attorney or their association.

10.7 A majority vote shall decide any question to which the authority of the stewards extends.

10.8 The stewards may suspend up to and including an indefinite period or they may fine not to exceed five hundred dollars ($500), or both, anyone whom they have authority to supervise. All such suspensions and fines must be reported to the Commission. The stewards' jurisdiction to act in any matter occurring during the race meeting extends after the conclusion of the meeting.

10.9 On each racing day and those days when there is no racing but where entries are being taken for the next succeeding day of racing, one or more stewards shall be on duty from the time the racing secretary's office opens until the entries are closed.

10.10 All horses shall be inspected by the paddock judge and veterinarian before the horses leave the paddock. All horses are subject to the approval of the steward and the veterinarian as to their fitness to start.

10.11 The manner of selecting positions of horses at the post shall be determined by lot by the racing secretary or his designee, in public, at the close of the entries. The horses so drawn shall be entitled to position at the post corresponding to the number drawn.

10.12 Any complaint against a racing official or officials shall be made to the stewards in writing, signed by the complainant. All such complaints shall be reported to management and the Commission, together with the stewards' action.

10.13 The stewards may order an examination at any time of any horse entered for a race or which has run in a race.

10.14 When, in the opinion of the stewards after conferring

with management, representatives of the horsemen, jockeys and the track superintendent, the stewards determine that the races cannot be run, they shall cancel said races.

10.15 The stewards shall determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as, in their judgment, it interfered with or they may place it last.

10.16 The coupling, in a stake race only, of separately owned or trained horses for purposes of pari-mutuel wagering is in the discretion of the stewards, except that horses belonging wholly or, in the judgment of the stewards, in substantial part to the same owners, must be coupled as an entry in the wagering. No trainer of any horse shall have any ownership interest in any other horse in the same race unless such horses are coupled as an entry. In the event of disqualification of any part of an entry, it shall be in the discretion of the stewards whether such disqualification shall extend to all or any part of the entry.

10.17 Rulings of the stewards or the Commission regarding the order of finish or award of purse money made after the result has been declared official, shall in no way affect the pari-mutuel payoff.

10.18 The stewards shall take notice of corrupt riding and other questionable transactions on the racing strip. Complaint thereof can be made by an owner, trainer or jockey participating in the race, or any official representing the association or the Racing Commission, but in the failure of the complainant to substantiate the charge, he may be fined or suspended.

10.19 The stewards shall have the power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property, either wholly or in part, of any person who is disqualified, or to produce proof of the extent of his interest or property in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race.

10.20 The stewards or management shall have power to suspend or exclude from the stands and grounds improper and objectionable characters and, in case of such notices being disregarded, to enforce them by proper orders.

10.21 The stewards may demand for inspection any license or

papers and documents with respect to a contract between a jockey and his employer or employers; all documents of a partnership agreement; or the credentials of an authorized agent.

10.22 The stewards have the authority to fine and/or suspend persons guilty of violating the policies, rules or regulations of the association.

§ 178-1-11. Racing Secretary.

11.1 The racing secretary or his assistant, shall discharge all the duties of his office, expressed or implied, required by the Rules of Racing, and he shall report to the stewards all violations of the Rules and of the Regulations of the meeting.

11.2 The racing secretary shall maintain a complete record of all races.

11.3 The racing secretary shall receive all entries and declarations, and he, or any other person designated by the association shall receive all stakes, entrance moneys and fees incident to the meeting. He shall, within fourteen (14) days after the conclusion of the meeting, disburse all receipts of money to such person(s) as may be entitled to receive same. Owners having unpaid jockey or other fees at the close of a race meeting, shall be billed by the Racing Association within twenty (20) days of the close of their race meet, with a duplicate copy of bill to the trainer. Accounts to be paid within thirty (30) days from billing date. At the expiration of the thirty (30) day period, it shall be the duty of said association to notify the Racing Commission or the stewards, in writing, of all delinquent accounts, at which time all owners with outstanding accounts will be suspended until such fees are paid.

11.4 The racing secretary shall compile an official program for each racing day which shall contain the names of the horses which are to run in each race together with their respective post positions, age, color, sex, breeding, jockey, owners or stable name, racing colors, weight carried, conditions of the race, the order in which each race shall be run, the distance to be run and the claiming price if applicable.

11.5 The racing secretary shall publish on the program such information and notices to the public as the Commission may direct.

11.6 The racing secretary is responsible for any error in the

program excluding printing errors corrected on the proof of same but not corrected by the printer.

11.7 The advertising in the program shall not pertain to wagering facilities outside the enclosure nor selections or recommendations by tipsters and/or those sponsoring offtrack daily selection cards.

11.8 The racing secretary shall be responsible for the safe keeping of registration certificates and the safe return of same to owners at conclusion of a meeting.

11.9 The horseman's bookkeeper shall keep the riding accounts of the jockeys, shall receive the fees therefor (unless ordered to the contrary) and shall promptly disburse the received fees to their proper claimants.

§ 178-1-12. Placing Judges.

12.1 The judges must occupy the judges' stand at the time the horses pass the winning post and place the horses. If in doubt of the proper placement, they may delay posting the result until having utilized the aid of a photograph to determine the position of the horse (or horses) that has occasioned the uncertainty. Decisions shall be final, unless, objection to the winner or any horse officially placed is made and sustained. This rule shall not prevent the judges from correcting any mistake, such correction being subject to confirmation by the stewards before the "Official" is posted.

12.2 The judges shall determine the order of finishing of as many horses as they may think proper but never less than five (5), if five (5) or more are racing. When the judges differ, the majority shall govern. The finish of each race shall be filed with the secretary of the association or his deputy and with the West Virginia Racing Commission.

12.3 A camera selected by the Association conducting the meeting, approved by the Commission, shall be used to make a photograph or photographs of the horses at the finish to assist the placing judges in determining their positions as exclusively indicated by their noses.

§ 178-1-13. Patrol Judges.

13.1 No track shall have less than one (1) patrol judge on

duty during the running of any race. The patrol judges shall have their station at a place where they may have a commanding view of a race and report their observation to the stewards.

13.2 The Commission shall appoint an official designated as a "patrol judge," whose station on the track shall be designated by the steward representing the Commission and shall be subject to the orders of the state stewards.

§ 178-1-14. Paddock Judge.

14.1 The paddock judge shall have general jurisdiction over the saddling equipment and changes thereof. The identification of horses shall be made by the horse identifier who shall report any irregularities to the paddock judge and stewards.

14.2 The paddock judge shall supervise the assembling of the starters in the paddock prior to saddling time, the saddling of the horses and shall supervise their departure for the post.

14.3 The paddock judge shall maintain a record of all equipment of a horse saddled for a race and he shall report to the stewards any change therefrom. No change of equipment shall be made without the consent of the stewards.

§ 178-1-15. Timer.

15.1 The timer shall occupy the timer's stand or other appropriate place, during the running of a race and he shall record for posting the time of each race.

§ 178-1-16. Starter.

16.1 Horses are in the hands of the starter from the time they begin to line up for the start, and until the flag drops, indicating the start, and, during that time, they are entitled to no further care from their attendants, except that if an accident happens to a jockey or his equipment, the Starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, no jockey shall dismount.

16.2 All orders necessary in securing a fair start shall be given by the starter.

16.3 Causes of delays, if any should occur, shall be reported by him to the stewards.

16.4 Horses shall take their position at the post in order in which their names have been drawn, beginning from the inside rail, but vicious and unruly horses may be loaded at the discretion of the starter.

16.5 If the number of horses starting in a race does not exceed the capacity of the track, but does exceed the number of stalls in the gate, the surplus may be started from an auxiliary gate.

16.6 Except in cases of emergency (recognized as such by the stewards) no starting device other than the usual stall gate shall be used in starting a race on the flat. Any substitute must have the approval of the Commission.

16.7 Horses shall be schooled in the starting gate under the direct personal supervision of the starter or an assistant. The starter shall designate the horses that are to constitute the schooling list. Copies of this list shall be given to the stewards and racing secretary, the starter reporting to them the horses that are schooled sufficiently to be permitted to run.

16.8 The starter may recommend to the stewards that a jockey be fined or suspended for disobedience of orders or for attempting any unfair advantage.

16.9 No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value, or other compensation for such starter's or assistant starter's services in connection with the running of any race or races. No starter, nor assistant starter, shall either directly or indirectly bet on any race or engage in any betting transaction or have any interest in any horse. This rule has no application to salaries received from the Association.

16.10 If, for any reason, the doors in front of any stalls in a mechanically or electrically operated gate fail to open, thereby preventing a horse from starting when the starter dispatches the field, the entire amount wagered on such horse shall be refunded; Provided, That such horse is not part of an "entry" or part of a "field".

16.11 The starter shall daily change the position on the track of each of his assistant starters. The starter shall not notify the assistant starters of their positions until after the horses shall have left the paddock for the first race.

16.12 Any owner or trainer who desires his or her horse not to be "tailed" or "tonged" at the starting gate by the assistant starters shall make written request to this effect to the starter and said horse will not be "tailed" or "tonged."

16.13 Should a horse or horses break through the gate, or unseat his rider after part or all of the field is loaded in the gate for the start, and such horse is not immediately taken in hand by the outrider and brought back for reloading, the starter shall unload the horses in the gate and reload in their proper order when the runaway horse is brought back in position for loading.

§ 178-1-17. Clerk of Scales.

17.1 Any change of jockeys or of an extra or special weight declared for any horse or any alteration of colors, shall be exhibited by the clerk of the scales upon the notice board and shall forthwith be announced over the public address system.

17.2 At the close of each day's racing, the clerk of the scales shall give the horseman's bookkeeper a statement of the weight carried in every race and the names of the jockeys, specifying overweight, if any.

17.3 Any overweight in excess of one (1) pound shall be declared by the jockey to the clerk of the scales at least one (1) hour before the time appointed for the race and the clerk shall have the overweight posted immediately on the notice board and shall cause the same to be forthwith announced over the public address system. Failure on the part of any jockey to comply with this rule shall be reported to the stewards.

17.4 Five (5) pounds is the limit of the overweight any horse is allowed to carry.

§ 178-1-18. Handicapper.

18.1 The handicapper, who may be the racing secretary, shall assign the weights to be carried by each horse in a handicap.

18.2 The handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to weight penalty.

18.3 If there are no penalties, that fact shall be appended to the weights. No alteration of weights shall be made after

publication.

18.4 In case of omission, through error, of the name or weight of a horse duly entered, the omission shall be rectified by the handicapper.

§ 178-1-19. Identifier.

19.1 It shall be the duty of the official identifier to check all contestants for each and every race and to have all horses properly identified, keeping a record of all identifying marks on solid colored horses and horses starting for the first time according to the published record of the "chart books" of the Daily Racing Form. This record to be retained by the West Virginia Racing Commission.

19.2 No horse shall be permitted to start that has not been fully identified by the official identifier. Responsibility for such identification rests with the trainer.

19.3 Any person attempting to establish the identity of a horse or his ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in the case of fraud or attempted fraud.

§ 178-1-20. State Veterinarians.

20.1 The Racing Commission shall employ a graduate veterinarian licensed by the West Virginia Board of Veterinary Medicine, who shall be known as the state veterinarian. The veterinarian employed by the Racing Commission shall not be permitted during the term of his employment to treat or prescribe for any horse on the grounds or registered to race at any race track for compensation or otherwise except in case of emergency, in which case a full and complete report shall be made to the stewards. No owner or trainer shall employ or pay compensation to any such veterinarian either directly or indirectly during the period for which he is so employed by the Commission. For violation of this rule the veterinarian, or owner or trainer may be fined, suspended or ruled off after a hearing before the Commission.

20.2 The state veterinarian shall, in general, familiarize himself with the racing condition of all entrants and if, in his opinion, any entrant is not in condition to race, he shall notify the stewards.

20.3 The state veterinarian shall be present in the paddock, at the race course and the starting gate during the saddling, the parade and until the horses are dispatched from the gate, and he shall report any horse which is, in his opinion, incapable of physically exerting its best effort to win to the stewards who may declare such horse from the race. The state veterinarian shall examine any horse which appears to be in physical distress during the race and at the finish of the race and he shall report such horse, together with his opinion as to the cause of the distress, to the stewards. The state veterinarian shall place those horses who are physically disabled on the veterinarian's list, and he may remove from the list those horses which in his opinion can satisfactorily compete in a race. The state veterinarian is authorized to humanely destroy any horse which in his opinion is so seriously injured that it is in the best interest of racing and humane consideration to so act, and every horse owner and trainer participating in a race in this State does consent hereto.

20.4 Should an owner or trainer object to a horse in his care undergoing an examination, the fact shall be reported to the stewards, and that horse may be eliminated from the race.

20.5 The state veterinarian shall approve employment of all personnel used in the test barn area and shall be responsible to the Commission for the proper operation of the test barn area, and the taking of the saliva, urine and blood samples.

20.6 In the event there is a desire to scratch a programmed horse, the state veterinarian or his designee shall inspect the horse and report his findings to the stewards.

§ 178-1-21. Bleeders.

21.1 A list of all horses that have bled within the last two (2) years shall be maintained in the racing secretary's office by the state veterinarian.

21.2 A first time bleeder shall be placed on the veterinarians' list and remain on same for a minimum of ten (10) calendar days. A second time bleeder shall be placed on the veterinarians' list and remain on same for a minimum of thirty (30) calendar days. A bleeder in the above categories is automatically released from this list after these dates. A horse that bleeds three (3) times within a twelve (12) month period shall be barred from further racing in West Virginia for a period of one (1) year.

§ 178-1-22. Practicing Veterinarian.

22.1 All veterinary practice must conform to the laws of West Virginia relating to agriculture and veterinarians as outlined in the Code of West Virginia. Every veterinarian who examines or treats a horse within a racing enclosure which is eligible to race, at a licensed meeting then in progress, must be licenced by the West Virginia Racing Commission. Any duly licensed veterinarian shall list his name in the office of the racing secretary. The association shall remove all unlicensed veterinarians. All licensed veterinarians must maintain a written record of his treatment, including the name of any and all drugs and medicines administered or prescribed for the future or continued use by the owner, trainer or any other person having the care of such horse, which record shall be made available upon request of the stewards or the Commission. The penalty for falsification of any such report or written record, or the failure to make such record, shall be the permanent barring from the racing enclosures under the jurisdiction of the Commission.

22.2 Veterinarians practicing veterinary medicine on a race track shall use one (1) time disposable type needles and shall keep them in his possession until disposed of by him off the track. No one other than a licensed veterinarian may have a needle or syringe or other veterinary instrument of any kind, type or description nor any injectable which might be administered by such needle or syringe on his person or in custody, control or possession of any of his employees.

22.3 Any illness or unusual symptoms of illness shown by a horse shall be immediately reported by the trainer or attending veterinarian to the stewards, the Racing Commission and state veterinarian.

22.4 In case of any illness or unusual symptoms of illness which might be or are deemed contagious in fact or possibility, the stewards are empowered to employ, at the expense of the association, a board of three (3) veterinarians, licensed by the State of West Virginia, for the purpose of diagnosis, observation and/or treatment. The decision of such Board with reference to the necessity of isolating any horse shall be binding upon the trainer and owner thereof.

22.4.1 The reasonable cost and expense of isolation, including keep and medical care, shall be borne by the owner or trainer of the horse during the period of isolation.

22.4.2 In the event of the positive diagnosis of any infectious disease, the horse so diagnosed shall remain isolated and quarantined for such period as the Board may determine.

22.4.3 No horse shall be removed from quarantine without permission of the stewards.

22.5 No horse shall be destroyed on the grounds of an association until it has been observed by the state veterinarian, except in the case of an emergency, at which time the attending veterinarian may destroy the horse but subsequently notify the state veterinarian.

§ 178-1-23. Test Barn.

23.1 An area within a suitable building must be set aside, and be under the supervision of the state veterinarian for the purpose of collecting specimens for any test required by the Commission. Said building, its location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the Commission.

23.1.1 The test barn shall be kept locked at all times when not in use. The only persons authorized to have keys shall be the (1) track manager, (2) state veterinarian and (3) track superintendent.

23.1.2 During the operation of the barn, a guard shall be maintained at the gate. He shall be provided a log for all persons, including the person or persons accompanying the horse, to sign in and sign out. A trainer may enter the test barn to inspect his horse: Provided, That he signs in and signs out in the aforementioned log book.

23.1.3 Not more than two (2) persons shall accompany the horse into the test barn. The horse shall be washed and walked for a minimum of ten (10) minutes prior to attempting to collect the sample. No horse or his groom shall be permitted to leave the barn until a sample has been obtained or excused by state veterinarian.

23.1.4 All men collecting urine samples shall remain in the test barn after the arrival of the first horse until they have completed their duties for the night.

23.1.5 Once any individual has departed the test barn, he shall not be permitted to reenter. This does not apply to the

trainer of a horse in the test barn, state veterinarian, track veterinarian, and other state personnel; it does apply, however, to all other personnel. However an individual who is attending a different horse may reenter.

23.1.6 All equipment used in washing and cooling horses shall be provided by track management.

23.1.7 All samples shall be frozen and forwarded to the approved laboratory.

23.1.8 The state veterinarian may authorize the horse to return to his barn under security for the purpose of collecting a sample.

23.2 A security man shall accompany the horse or horses from the winner's circle to the test barn after each race.

23.3 The winner of every race and such other horses as the stewards may designate shall be taken immediately after the race to the testing enclosure for examination by the supervisor of drug tests and the taking of such specimens of body fluids and eliminations as shall be directed.

23.4 The stewards of the meeting may require at any time that any horse be sent to the testing barn for the taking of such specimens of saliva and/or urine and/or blood as shall be directed, as well as for an examination for "sponging" and such other examination as shall be directed.

23.5 The state steward or state veterinarian may also require the taking of any or all of the foregoing specimens from any horse stabled at a track during a meeting.

23.6 The owner, the trainer or other authorized representative must be present when a saliva, urine or other specimen is taken from his horse, and must remain until the specimen is sealed and the official form signed by the owner, or trainer, or their representative, as witness to the taking of the specimen. Willful failure to be present at or a refusal to allow the taking of any specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons guilty thereof to immediate suspension.

23.7 The state veterinarian, with the approval of the Racing Commission, may impose such additional local rules for operation of

test barn area as are deemed necessary.

§ 178-1-24. Chemist.

24.1 The official chemists selected by the West Virginia Racing Commission shall be members in good standing of the Association of Official Racing Chemists and shall make all reports directly to the secretary of the West Virginia Racing Commission.

24.2 All specimens taken by or under direction of the state veterinarian or other authorized representative of the Racing Commission shall be delivered to the laboratory of the official chemist for analysis. Each specimen shall be marked and bear such information as may be essential to its proper analysis; but the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey or stable shall not be revealed to the official chemist or his staff. The container of each specimen shall be sealed as soon as the specimen is placed therein.

24.3 The state veterinarian, the stewards or the authorized representatives of the Commission may take samples of any medicines or other materials suspected of containing improper medication or drugs which could affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing, and the same shall be delivered to the official chemist for analysis under the same conditions as are prescribed for analysis of saliva and urine. Same may be retained by the West Virginia Racing Commission.

24.4 No action shall be taken by the stewards on the report of the official chemist unless and until the medication or drug has been properly identified as well as the horse from which the specimen was taken nor until such time as an official report signed by the chemist has been received by the state steward.

§ 178-1-25. Camera and film patrol.

25.1 All race tracks in West Virginia, operating under the jurisdiction of this Commission, must install and use an approved type "film patrol" with not less than three (3) cameras operating from positions designated by the Commission.

25.2 Each racing association shall furnish and maintain at its track at all times during the racing licensed for that track,

the necessary cameras and equipment to produce motion pictures or video tape of each race from start to finish thereof. All camera and equipment necessary in their operation shall be approved by the Commission. The film of all such pictures shall be retained by the Racing Associations for a period of not less than three (3) months and shall be available at all times during that period to the Commission.

25.3 On all tracks a proper camera shall be installed as an aid to the placing judges. However, in all cases, the camera is merely an aid and the decision of the judges shall be final. The type of equipment used and the operator thereof shall be approved by the Commission.

25.4 No photographer, other than the official licensed photographer, shall be permitted on the track unless special permission is granted by the stewards or the Commission, and then only for such pictures as are specifically mentioned and in such places as are indicated by the stewards or the Commission.

25.5 On all tracks the operator of the camera taking pictures approaching the finish line, and in the winner's circle after said race, shall be approved by the Commission. In all cases where a still picture is taken, the operator must direct his camera at a point away from the finish line unless special permission is granted by the stewards or the Commission.

25.6 All associations shall keep on file for the duration of the meeting and one (1) month thereafter, each plate or film or finished picture of each race for reference or reproduction upon request of the West Virginia Racing Commission.

§ 178-1-26. Policing.

26.1 Each association shall maintain and furnish police and watchman service as may be needed or requested by the Commission. Such police must be fully empowered to enforce law and order and cooperate in the enforcement of the rules.

26.2 Each association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the stables excepting those having bona fide business or duly licensed by the Commission, such as jockeys, trainers, stable attendants, owners or employees of said association.

26.3 A written report shall be made to the West Virginia

Racing Commission daily by the head of the Security Department at each race track, stating in detail all arrests or persons booked in their office. This report shall further include all persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of badges, or other misdemeanors, giving in detail the charges, together with the names and addresses of such offenders.

26.4 The Commission after prior consultation with the racing association, may designate not more than three (3) persons as special investigators, whose duties and responsibilities shall be fixed by the Commission; compensation of such persons shall be paid by the associations: Provided, however, That such compensation shall not exceed that which is comparable for like or similar services in the area of the association. These personnel shall not be considered as employees of the associations.

§ 178-1-27. Sanitation.

27.1 Each racing association shall make such sanitary arrangements as baths, toilets, etc. for the use of jockeys, mutuel employees, horsemen and other employees, as may be required by the Commission.

27.2 All used bedding and manure shall be removed from the stalls daily and shall be deposited at a place designated by the association. The association shall daily remove all bedding and manure deposited as aforesaid from the stable area.

27.3 Each trainer shall keep all hay, grain and other feed in a sanitary manner, and covered.

§ 178-1-28. Colors and equipment.

28.1 All racing colors carried in races shall be registered annually with the Racing Commission.

(a) No person shall start a horse in racing colors other than those registered in his own or assumed name, but a temporary change from the recorded racing colors may be approved by the stewards.

(b) Any dispute between claimants to the right of the particular racing colors shall be decided by the stewards.

(c) The Racing Commission will not permit the use of colors which in its opinion are not neat and clean and proper in

other respects.

28.2 The racing association, at it discretion, may declare certain colors or parts of same to be standard for specific post position and in such situations the association shall supply same.

28.3 Permission for any change of equipment from that which a horse carried in his last previous race, during the current meeting, may be obtained only from the stewards or their designee.

28.4 Permission to add blinkers to a horse's equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards.

28.5 Permission to use or discontinue the use of a tongue tie must be secured from the stewards. Under no circumstances shall the material to be used as a tongue tie be furnished by anyone other than the trainer of the horse on which it is to be used. No employee of the association shall be permitted to tie the tongue or replace or repair a tongue tie.

28.6 A horse starting in a race, shall not be shod with ordinary or training shoes nor shall he run without shoes unless by permission of the stewards.

28.7 Bar plates may be used only with consent of the stewards, and discontinuance of their use must be approved by the stewards.

28.8 Whips and/or blinkers may be used on two (2) year olds and other first time starters if schooled before the starter with such equipment, and approved by him and the stewards, before time of entry.

28.9 The use of plastic bridles and/or reins is prohibited unless they are steel reinforced.

28.10 No bridle shall exceed two (2) pounds in weight, and no whips shall exceed one (1) pound in weight or thirty (30) inches in length, unless approved by the stewards.

§ 178-1-29. Declarations and scratches.

29.1 No horse shall be considered scratched or declared out of an engagement until the trainer, or some person deputized by him, shall have given due notice in writing to the racing secretary

before the time stipulated by the regulations of the Association.

29.2 For stakes races, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

29.3 The declaration of a horse out of an engagement is irrevocable.

29.4 Scratches from stakes races will close forty-five (45) minutes before post time for that race.

29.5 If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise, the declaration shall not be accepted as of the time alleged.

29.6 No horse in an overnight race shall be scratched without the approval of the stewards.

29.7 A report from the state veterinarian shall be supplied to the stewards and shall be used only as an aid in determining the final decision of a request to "scratch."

29.8 Horses listed as "also eligible" shall be drawn into a race by lot unless a scratch card has been deposited by scratch time the day of the race. Horses listed as "also eligible" will have the preference of scratching. Horses listed as "also eligible" for which a scratch card has been deposited shall be given the following consideration:

29.8.1 If there are no scratches among horses assigned post positions, the preferential status of horses on the also eligible list shall remain unchanged.

29.8.2 If the opportunity to start, as determined by lot, is refused by scratching, said horse shall lose all preference.

29.8.3 If the opportunity to start, as determined by lot, is not provided, the preferential status of said horses shall remain unchanged.

29.9 In all races with more than eight (8) horses, trainers may declare out to that number by the specified scratch time on the day of the race, such right to be determined by lot when necessary.

However, in all races involving the twin-trifecta and the tri-superfecta, no entry may be withdrawn that would reduce the starting field to less than ten (10) interests without permission of the stewards.

§ 178-1-30. Disciplinary action.

30.1 No racing official other than the stewards shall have the right to impose a fine or suspension. The starter may recommend disciplinary action to the stewards.

30.2 All fines shall be paid to the West Virginia Racing Commission license clerk at the Commission office within forty-eight (48) hours after imposition.

30.3 No person shall assume or pay, directly or indirectly, a fine imposed upon another.

30.4 An unpaid fine may not be rescinded except with the approval of the Racing Commission.

30.5 Violators of any rule shall be subject to ejection from the grounds and/or fine, suspension or to be ruled off.

30.6 If any licensee or permit holder be guilty of using profane, indecent or vulgar language to any racing official, or have any explosives or incendiary device in a vehicle under their control as well as in any tack room, stall, trailer, etc. under their control, or otherwise disturb the peace on any race track enclosure, he or she may be fined, and/or suspended.

§ 178-1-31. Engagements and transfer.

31.1 If a horse is sold by private treaty or at public auction, the written acknowledgment of both parties is necessary to prove the fact that he was sold with his engagements, but when a horse is claimed out of a claiming race, the horse's engagements are included; but the sale, under any circumstances, to a person ruled off or to a disqualified person, shall not give such person the privilege of racing the horse.

31.2 No horse entered in a race may be sold or transferred until after the race in which he is entered has been run, without permission of the stewards. Neither shall a horse so entered be transferred to another trainer until after the race in which he is entered has been run, without permission of the stewards.

31.3 Subscriptions and all entries or rights of entry are valid when a horse is sold with his engagements duly transferred; in duly registered partnerships, when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subscriptions have been made previous to the decedent's death, by the transfer of the right of entry.

31.4 Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships or except subject to the sanction of the stewards, when the personal representative of an estate shall, in writing, request that the benefits of such accrue to the estate of the decedent subscriber for the privilege of transfer, and shall agree to assume any and all obligations incident to the original entries.

31.5 No person shall make or receive the transfer of a horse or engagement for the purpose of avoiding disqualification.

31.6 So long as the name of a person is on the arrears list no engagements can be transferred or accepted by him, and no horse can be entered by him or under his subscription for any race.

31.7 When a seller fails to declare a horse out of an engagement, not sold or transferred with the horse, the purchaser is not entitled to start the horse or to the stakes if he wins.

31.8 Should a horse be sold with his engagements or any part of them, the seller cannot declare the horse out of any such engagements.

§ 178-1-32. Entries, declarations and subscriptions.

32.1 When a person is ruled off a course or suspended, every horse owned, in whole or in part, by him or under his care and control shall be ineligible to be entered or start in any race until said horse has been reinstated, either by the rescinding of his owner's penalty or by his transfer through bona fide sale to an ownership acceptable to, and approved by the stewards or West Virginia Racing Commission.

When a person is ruled off a course or suspended, he shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of such penalty.

32.2 No horse shall be registered for racing or permitted to enter or start in a race unless stabled on the grounds of the association conducting the meeting or at other approved stabling facilities. Horses may be exchanged if approved by the racing secretary. This rule shall not prohibit entry or nomination of a horse or horses in a handicap, stakes or allowance race if being shipped in to participate in those specific races.

32.3 No person shall willfully enter, or cause to be entered or start a horse which he knows or believes to be ineligible or disqualified.

32.4 A horse shall not be qualified to start in any race unless he has been and continues properly entered therein.

32.5 No horse shall be allowed to race unless it has been lip tattooed. For good cause, the stewards may waive this requirement if the horse is otherwise properly identified. However, the horse shall be tattooed thereafter within such time as set by the stewards.

32.6 For all races, the racing secretary is the person authorized to receive entries and declarations.

32.7 Entries and declarations shall be made in writing and signed by the trainer of the horse, or his authorized agent, or some person deputized by him, and each association shall provide blank forms on which entries and declarations are to be made.

32.8 A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

32.9 Entries may be made by telephone or telegraph with permission of the stewards.

32.10 No person not having an interest in a horse, equal at least to the interest or property of any other one (1) person is entitled to enter the horse in a race as the owner.

32.11 Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

32.12 In entering a horse, it must be clearly identified by stating its age, sex, name and color, names of its sire and dam.

If the registration certificate indicates the dam was covered by more than one (1) stallion, the names of all of them must be given in order of service.

32.13 The stewards shall have power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property either wholly or in part of any person who is disqualified, or to produce proof of the extent of his interest or property in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race.

32.14 The entries of any person, or the transfer of any entry, may be refused with notice and reason being given therefor.

32.15 No horse shall be allowed to start in any race unless duly registered and named with the registry office of The Jockey Club (New York) and the Certificate of Registration properly endorsed to the current owner is on file with the racing secretary one-half (1/2) hour prior to post time of the first race. For good cause the stewards may waive this requirement if the horse is otherwise properly identified.

32.16 If a horse's name is changed, his new name shall be registered with the Jockey Club (New York) and no entry shall be accepted until such time as new Certificate of Registration has been issued by the Jockey Club (New York).

32.17 No maiden six (6) years or older shall be permitted to start in West Virginia. Any horse thirteen (13) years or older will not be allowed to start in West Virginia unless special permission is granted in response to a request by anyone, who is licensed, by the West Virginia Racing Commission.

32.18 No horse shall be permitted to enter or to start in any race unless he is in the care of, and the saddling is supervised by, a trainer currently licensed in West Virginia.

32.19 No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary.

32.20 The entry of a horse must be in the name of his true owner.

32.21 A horse must be eligible at the time of starting.

32.22 No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

32.23 If an entry from any disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five (45) minutes before post time for the race. Otherwise any such money shall be paid to the winner.

32.24 Rescinded.

32.25 No horse on the schooling list, veterinarian list or stewards list, shall be qualified to be entered, or to start.

32.26 No owner or trainer shall enter or start a horse that:

32.26.1 is not in serviceable sound racing condition;

32.26.2 is a known bleeder unless cleared under Section 21.2 of these rules;

32.26.3 has been trachea-tubed;

32.26.4 has been "nerved," except as herein provided in Section 52.20 of these rules; and

32.26.5 is afflicted by the disease known as periodic ophthalmia, moon blindness or similar disease afflicting the vision.

32.27 If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

32.28 No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary or stewards.

32.29 No more than two (2) horses of the same ownership or interest shall be entered in a purse race, and both may start, except:

32.29.1 When making an entry, the trainer must express a preference; and in no case may two (2) horses start as an entry even though uncoupled for wagering purposes if it deprives a single

entry from starting.

32.29.2 Stake rules shall apply at all tracks regardless of size.

32.30 In the races comprising the daily double, only one (1) horse may be raced in a single interest, or trained by one (1) trainer. No entries will be allowed in the races comprising the daily double, trifecta, trizacta, super exacta, superfecta, and/or big perfecta etc. In all simulcast races entries and/or field rules shall be those used at host track.

32.31 If a race is declared off, the racing secretary may split or divide any overnight race which may have closed and cause a new drawing for post positions.

32.32 Entries shall be closed at an advertised time, and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

32.33 If the number of entries to any purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the "starters" for the race and their post positions shall be determined by lot in public. The same methods shall be employed in determining the starters and post positions in split races.

32.34 If a horse is successfully claimed or transferred, the original Registration Certificate shall be delivered to the new owner.

32.35 Any licensee who refuses to deliver any such Registration Certificate, if the same is reasonably available, shall be suspended until the same is delivered.

32.36 Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

32.37 No alteration shall be made in any entry after closing of entries, but an error may be corrected.

32.38 Any horse which has been excused from starting on account of sickness or physical disability, will not be eligible to start for a minimum of five (5) calendar days, exclusive of the day of scratch. The entry must be accompanied by a certificate of fitness from the state veterinarian and be approved by the

stewards.

32.39 Mares who are or who may be in foal will not be eligible for racing unless full information as to services has been filed with the racing secretary and approval has been given by the track veterinarian. This information will be posted on the bulletin board in the racing secretary's office. Should the in-foal mare be claimed, the original owner shall supply the stallion service certificate to owner of said mare at time of foaling.

32.40 No horse shall be permitted on the grounds of a racing association in this State unless the horse has had a negative Coggins test within the past twenty-four (24) months if stabled in West Virginia or six (6) months if stabled out of the State of West Virginia. All horses from a state with a program comparable to the West Virginia program shall be permitted on the grounds of a racing association if accompanied by an official Health Certificate giving a positive description of the animal and showing a negative coggins test within the last twelve (12) months. If a horse is in the entries, and if the coggins has expired, blood may be taken and the horse will be allowed to run.

32.41 No entry shall be received of any horse not stabled upon the grounds of the racing association where the race is run, unless the stabling area elsewhere has been approved by the stewards representing the West Virginia Racing Commission or his designee.

32.42 No entry shall be accepted from husband or wife while either is disqualified. For the purpose of these rules, husband and wife shall be considered as one unless legally separated and evidence of such separation is on file with the West Virginia Racing Commission.

§ 178-1-33. Also eligible.

33.1 A list of names (number to be determined by the racing secretary) may be drawn from the overflow entries and listed as "also eligible" to start if and when horses originally carded are "scratched." Horses gaining a position in the race from the "also eligible" list shall be determined by lot.

33.2 If the owner of a horse on the "also eligible" list is not given the opportunity of starting his horse because of insufficient "scratches," the name of said horse shall be placed on the preferred list. The name of no horse shall be placed on the

preferred list if the owner thereof did not accept when presented the opportunity of starting. However, where a substitute race or extra race is used,or placed on the over-night to be used, if needed, all horses entering in such races and not given the opportunity of starting shall be placed on the preferred list. In case of an "entry," the preferred horse only, shall be given a place on the preferred list unless the second choice of an entry should be included in another division of a divided race and does not gain a position in the race (may not exclude a single interest), he then shall be given a place on the preferred list.

33.3 Any horse which has drawn a position in a race and enters again on the next day that entries are taken shall be termed and "in-today" horse and if the race in which the horse is entered overfills, the horse shall be given no consideration whatsoever, stakes excepted. If a horse is on the "also eligible" list and draws in a race the next day, he is an automatic scratch from the "eligible" list the first day.

§ 178-1-34. Preferred list.

34.1 A copy of the preferred list will be posted each afternoon and any claim of error must be made by scratch time of the following day. No claim of error not made within the prescribed time will be recognized by the stewards.

34.2 In entering horses on the preferred list, a claim of preference must be made at time of entry and noted on the entry or the preference shall be lost and no claim of error will be considered by the stewards if the person making the claim has signed an entry not marked in keeping with this rule.

§ 178-1-35. Penalties and allowances.

35.1 Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.

35.2 Penalties are obligatory. Allowances are optional as to all or any part thereof, and in overnight events must be claimed at the time of entry.

35.3 No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more

races, but this rule shall not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of a specified value.

35.4 Failure to claim a weight allowance by oversight or omission is not cause of disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which his horse is not entitled.

35.5 Eligibility, penalties and allowances of weight for all races will be determined after considering the reports, records and statistics published by the daily racing form and other racing statistical publications, but responsibility for weight carried and eligibility still remain with the owner and trainer as prescribed by the Rules of Racing.

35.6 No horse shall incur a weight penalty for placement from which he is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

35.7 When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attached to the winner of that race until the matter is decided.

35.8 Races written to be run under "Scale of Weights or Weight for Age" shall be run under the weights as provided for in the scale of weights chart appearing in this book.

35.9 It shall be within the power of the racing secretary to write races either above or below scale as he may see fit: Provided, That his weights comply with the minimum weight rule.

§ 178-1-36. Licenses and licensees.

36.1 Any person who is engaged in or employed by those engaged in racing or operating a race meeting, or those operating concessions for or under authority from any association, except those persons in an executive capacity by the association, must be licenced by the West Virginia Racing Commission.

36.2 In the event that a dispute should arise between a West

Virginia Licensee and West Virginia Permit Holders, at any race track in the State of West Virginia and in the event the said permit holders or said licensee desire to terminate or discontinue their activities under an existing license or permit, then in such event the said licensee or said permit holders, as the case may be, shall give seven (7) days notice, in writing, of their intention to terminate or discontinue all activities under their existing license or permit to the licensee or permit holders, as the case may be, and to the West Virginia Racing Commission. The Commission may, upon request from either party, within the aforesaid seven (7) day period conduct hearings in an attempt to arbitrate and settle any disputes by and between the parties. In the event either the West Virginia licensee or West Virginia permit holders fail to provide by the notice provision set forth herein, same shall be grounds for permanent suspension by the West Virginia Racing Commission.

36.3 Applicant for license may be called upon to submit satisfactory evidence of financial responsibility, and after license has been issued, must maintain a record of financial responsibility during the period for which license is issued.

36.4 The Commission may refuse to issue or renew a license, or may suspend or revoke a license issued pursuant to these rules, if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is or has been associating or consorting with any such person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule regulation or order of the Commission, or adopted by the Commission, or has been guilty of or engaged in similar, related or like practice.

36.5 All applications for licenses shall be filed with the West Virginia license clerk in the Commission office and submitted to the stewards who shall have the authority to issue the license, hold the application for further investigation, or refer it to the Racing Commission for final action. All stewards shall review and sign all license applications.

36.6 The association shall provide equipment for fingerprinting and photographing all licensees and shall provide such equipment necessary to plastic coat the license with the picture and fingerprints of the applicant.

36.7 The following fees shall be charged by the West Virginia Racing Commission for licenses issued effective calendar year 1972 and thereafter:

Stable Name	$20.00
Corporation	20.00
Vendor	20.00
Owner -with registration of colors	12.50
Owner-Trainer (same person)	25.00
Trainer	12.50
Assistant Trainer	12.50
Jockey	12.50
Veterinarian	12.50
Apprentice Jockey	6.00
Plater	6.00
Authorized Agent (each person)	6.00
Jockey Agent (limit 2 jockeys) each	7.50
Mutuel Employee	5.00
Photographers, totalizator, film patrol	5.00
Stable Foreman	6.00
Officials - Steward Starter Racing Secretary	12.50
Minor Official - Patrol Judge Paddock Judge Horsemen's Bookkeeper Clerk of Scales Timer Assistant Racing Secretary Outrider Assistant Starter	6.00
Stable, Concession, Maintenance, Parking, etc. Valet Exercise Boy Groom Vet's Assistant Admission Pony Riders	

Security----------4.00
Others not specified ----------5.00

36.8 Every person who is suspended, or whose license is revoked, or to whom a license is denied by any racing board or Commission belonging to the National Association of State Racing Commissioners, must apply to and be reinstated by the Board or Commission of the state in which the original ruling was made before being eligible to be licensed in any capacity by the West Virginia Racing Commission.

36.9 All licensed personnel shall visibly display their card at all times in restricted areas and shall be held responsible for the safekeeping of it. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars ($5.00).

36.10 Any licensed person who allows another to use his license card or badge or any person who uses the license card or badge of another person for the purpose of transferring any of the benefits pertaining thereto may be suspended, fined or both.

36.11 When the denial of a license has been ordered by the Racing Commission, the secretary of the Commission shall report the particulars to the applicant and shall further report the matter to the National Association of State Racing Commissioners, giving detailed reasons why the denial was made.

36.12 A trainer or jockey may be permitted by the stewards to pursue his vocation pending action upon his application or an owner may race his horses upon issuance of a temporary license; but a jockey, trainer or owner having been suspended or ruled off and subsequently reinstated after the expiration of his license, shall not be permitted to pursue his vocation until a license has been granted.

36.13 Every license shall be for not more than one (1) year and shall expire on December 31 of each year.

36.14 The Commission may deny or revoke a license to any person who shall have been refused a license by any other State Racing Commission or Racing Authority: Provided however, That the State Racing Commission or Racing Authority of each other state extends to the Racing Commission of West Virginia reciprocal courtesy to maintain the disciplinary control. The Racing Commission may deny or revoke any license where the holder thereof

has violated the Rules and Regulations of the Commission or who has falsified his application of or for said license.

36.15 The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without reporting such employment to the stewards and immediately obtaining a license for said employee may be cause for fine, suspension or both.

36.16 No application for a license will be considered for, or license granted to, anyone under sixteen (16) years of age.

36.17 The stewards or the Racing Commission may impose such condition or conditions on the issuance of a license or permit as they deem necessary in their sole discretion to protect the best interest and integrity of racing. The stewards or Racing Commission may deny a license or permit if a conflict of interest exists or could exist as a result of the issuance of said license or permit.

36.18 Any person under suspension, by the licensing body in any country, shall remain under suspension in this State until reinstated by the original licensing country.

36.19 The following conditions must be observed in obtaining a license as a tip sheet vendor:

36.19.1 Any family, corporation, partnership or sole proprietorship, or any employees thereof, may publish no more than one (1) version of a tip sheet for use at any one (1) track on any given race day. There is no limit on the number of copies of the one (1) version that may be produced and sold.

36.19.2 To ensure fair conditions for the betting public, a tip sheet vendor may not use the same facilities to produce a tip sheet as are used by another tip sheet vendor at the same track.

36.19.3 All tip sheet vendor applicants must meet the conditions set forth in (a) and (b) to the full satisfaction of the state steward.

§ 178-1-37. Jockeys and apprentice jockeys.

37.1 Each jockey and apprentice jockey must obtain a license from the Commission and no license shall be issued to any jockey

or apprentice jockey under sixteen (16) years of age.

37.2 No person who has never ridden in a race shall be granted a license; however, by permission of the Commission and the stewards, a temporary license may be granted for the riding of ten(10) or more races and, if approved by the stewards and the Commission after having consulted with the representatives of the jockeys, said temporary license may be replaced with a license.

37.3 No jockey, or his wife, or her husband, shall be the owner of any race horse, neither shall they have any interest in one.

37.4 A jockey shall not ride or agree to ride in any race without the consent of the owner to whom he is under contract.

37.5 All jockeys shall faithfully fulfill all engagements in respect to racing.

37.6 A jockey may not ride in any race against a starter of his contract employer unless his mount and his contract employer's starter are both in the hands of the same trainer.

37.7 In riding a race, a jockey must be neat in appearance and judgment of the stewards shall control in this regard. All riders must be dressed in clean jockey costume, cap and jacket of silk, satin or waterproof, white or light breeches and top boots. In all races, jockeys must wear approved safety helmets, the weight of which shall not be included in the jockey's weight.

37.8 A jockey must wear the colors of the owner or owners of the horse he is riding (except by special permission or orders from the stewards) and a number on the saddle cloth corresponding to the number of the horse as exhibited in the official program.

37.9 A jockey shall wear a number on his right arm (also on his left arm if the judges' stand is inside the infield) and it and the saddle cloth number shall correspond to the number of the horse in the official program.

37.10 Every jockey who is to ride shall report and weight out at the appointed time unless excused by the stewards. Every jockey who has an engagement to ride in a stake race must report in the jockey room not later than one (1) hour before post time of that race. Jockeys shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race,

unless by permission granted by the stewards, until all of his engagements of the day have been fulfilled.

37.11 All jockeys must pass a physical examination once a year before being permitted to ride, by a doctor designated by the Commission. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he successfully passes such an examination. If a jockey has previously passed such an examination prior to his appearance at a track in this State, he must present a physical fitness card signed by the examining doctor that shows the date upon which the examination was made.

37.12 No jockey shall make a bet on any race nor accept the promise or token of any bet, with respect to the race in which he is riding, except through or from the owner or trainer of the horse he rides and then only on that horse.

37.13 Jockey's riding fees must be paid to the horsemen's bookkeeper.

37.13.1 If any owner or trainer engages two (2) or more jockeys for the same race, he shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee to the jockey who does ride.

37.14 A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his own free will, takes himself off his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

37.15 In a dead heat, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

37.16 A jockey who is under suspension will not be permitted to fulfill any engagements including stakes races. A jockey under suspension in any other state will not be permitted to ride in West Virginia during such suspension.

37.17 The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

37.18 A jockey temporarily suspended, may be permitted to exercise or gallop horses until the track closed for the morning.

37.19 A forfeiture must be paid by the jockey himself and any other person paying it shall be subject to punishment.

37.20 Every jockey may have one (1) agent and no more. All engagements to ride, other than those for his contract employer, shall be made by himself or his agent; however, the one (1) making the engagements shall be held responsible for the proper maintenance of the engagement book.

37.21 No jockey shall have an attendant other than those provided by the association.

37.22 Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

37.23 Approved jockeys' fee:

PURSE	WIN	2ND	3RD	UNPLACED
$400 and under	27	19	17	16
$500	30	20	17	16
$600	36	22	17	16
$700 - $ 900	10%	25	22	20
$1,000 - $ 1,400	10%	30	25	22
$1,500 - $ 1,900	10%	35	30	28
$2,000 - $ 3,400	10%	45	35	33
$3,500 - $ 4,900	10%	55	45	35
$5,000 - $ 9,900	10%	65	50	40
$10,000 - $14,900	10%	5%	5%	45
$15,000 - $24,900	10%	5%	5%	50
$25,000 - $49,900	10%	5%	5%	60
$50,000 - $99,900	10%	5%	5%	75
$100,000 and up	10%			

There shall be no contract mounts except for contract employees. In case an owner or a trainer shall engage two (2) or more jockeys for the same race, he shall pay the losing fee for each jockey so engaged who does not ride in that race.

37.24 Jockey apprentices must obtain a license from the West Virginia Racing Commission and shall be bound by all of the rules for jockeys, except insofar as said rules may be in conflict with

the following specific regulations for apprentices.

37.25 Apprentice contracts entered into in the State of West Virginia must be made on forms approved by the Racing Commission, and a duplicate original copy, along with a satisfactory record of birth, shall be filed permanently with the Racing Commission.

37.26 The original apprentice jockey contract shall be kept in full force and effect throughout its contract period. Any and all amendments to said contract must be made a part of and either added to or attached to the copies in possession of the parties and a like copy of said amendments sent to the Commission where the original contract is filed.

37.27 A copy of all apprentice contracts, wherever entered into, must be approved by the stewards and filed with the Racing Commission. Satisfactory record of birth must accompany apprentice contract at all times.

37.28 If an apprentice contract is transferred, said transfer must be approved by the stewards and registered with the Racing Commission by both the transferer and the transferee.

37.29 No person shall be allowed to enter into a contract in West Virginia with an apprentice jockey unless he is the owner or trainer of such a stable of horses as would, in the opinion of the stewards, warrant his employment of an apprentice.

37.30 An application for a license as apprentice jockey shall be accompanied by (a) an original, a notarized or photostatic copy of his agreement with his contract employer; (b) written proof of at least one (1) year of service with a racing stable; and (c) a certificate of proficiency from the starter; (d) birth certificate or satisfactory evidence of the date of birth.

37.31 All engagements for an apprentice jockey to ride, other than those for his contract employer shall be made by himself, his agent, or his contract employer, who may act as his agent without license as such; however, the one making the engagements shall be held responsible for the proper maintenance of the engagement book.

37.31.1 Any person sixteen (16) years of age or older, who has never been previously licensed as a jockey in any country and who has, of his own free will, and if under the age of eighteen (18), with the written consent of his parents or guardian, bound himself to an owner or trainer for a term of not less than three

(3) nor more than five (5) years (subject to written extension if made for less than five (5) years) by written contract approved by and filed with the West Virginia Racing Commission may claim in all overnight races, except handicaps, the following allowances:

37.31.1.1 Apprentices' allowance shall be as follows: Ten (10) pounds until he has ridden five (5) winners and seven (7) pounds until he has ridden an additional thirty (30) winners; if he has ridden thirty-five (35) winners prior to the end of one (1) year from the date of riding his fifth winner, he shall have an allowance of five (5) pounds until the end of that year.

37.31.1.2 After the completion of conditions above, for one (1) year he may claim three (3) pounds when riding horses owned or trained by his original contract employer: Provided, That his contract has not been transferred or sold since he rode his first winner.

37.31.1.3 The holder of the contract at the time the apprentice rides his first winner shall be considered the original contract employer.

37.31.1.4 The original apprentice jockey contract shall be kept in full force and effect throughout its contract period. Any and all amendments to said contract must be made a part of and either added to or attached to the copies in the possession of the parties and like copy of said amendments sent to the Commission where the original contract is filed.

37.31.2 Any person sixteen (16) years of age or older, who has never been previously licensed as a jockey in any country, and if under the age of eighteen (18) with the written consent of his parents or guardian, may be granted an apprentice certificate in lieu of an apprentice contract; which certificate shall be valid for a period not in excess of three (3) years. The apprentice certificate shall grant the apprentice all the allowances and conditions granted to the apprentice who is under contract.

37.32 The Commission shall take jurisdiction on application for extension in cases where personal injuries in the conduct of his duty and restrictions on racing occurred at tracks licensed by the Commission. In order to qualify for an extension of his apprentice allowance, an apprentice rider must have been rendered unable to ride during the period in which he was entitled to an apprentice allowance.

37.33 In the cases of inability of an apprentice to ride because of services in the Armed Forces of the United States, the Commission will take jurisdiction only on such contracts which were executed and filed at time of execution in this State. All extensions must be acted on by the Commission in which the original contract was filed.

37.34 Apprentice allowance must be claimed at time of entry and shall not be waived except by consent of the stewards.

37.35 No race, unless reported in the daily racing form or an equivalent foreign publication, shall be considered in determining a boy's right to the apprentice allowance.

37.36 A licensed apprentice who loses his apprentice allowance for any reason shall obtain a jockey license before being permitted to ride again.

37.37 There shall be no prohibition against male or female jockeys, who are husband and wife, from riding separate entries in the same race.

§ 178-1-38. Jockey agents.

38.1 Each jockey agent must obtain a license from the Commission.

38.2 Engagement slips shall be used and shall determine all priorities.

38.3 Signatures must be affixed by both owner or trainer and jockey or his agent.

38.4 The stewards may permit an applicant to act pending decision on his application for a license.

38.5 No jockey agent may handle at the same time more than two (2) jockeys or one (1) apprentice and one (1) jockey, nor shall he make or assist in the making of any engagement for any rider other than those he is licensed to represent.

38.6 If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the stewards, the Commission and the racing secretary; and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider.

38.7 Jockey agents shall not be allowed in the paddock or on the race track at any time, except by special permission from the stewards.

38.8 A jockey agent shall not give to anyone, directly or indirectly, any information or advice, pertaining to a race or engage in the practice commonly known as "touting," for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

38.9 No person other than a jockey agent shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his own engagements.

38.10 Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the stewards that the rival claim arose through honest bona fide error shall be considered a falsification of records.

38.11 Conflicting claims for the services of a jockey shall be decided by the stewards and first call shall have priority.

38.12 Any agent who falsifies his record shall be fined and/or suspended by the stewards.

38.13 A jockey agent may be licensed in no other capacity as long as he holds an agent's license unless additional license is approved by the Commission.

38.14 An applicant for a jockey agent license, who has not been previously licensed in this State, must have the written statement of two (2) reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. Such applicant shall be given a thorough written and/or oral examination by the stewards.

38.15 If, for good reason, a jockey agent is short of his permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in his license, he must obtain permission from the stewards before making such engagements.

§ 178-1-39. Naming of riders.

39.1 Jockeys shall be named no later than scratch time of the day of the race.

39.2 Any subsequent change of a jockey must be sanctioned by the stewards and must be promptly and publicly posted and announced.

39.3 Any jockey, having given a call personally or through his agent, who fails to fulfill such engagement may not accept another mount or be assigned by the stewards to another mount in that race.

§ 178-1-40. Owners - Trainers.

40.1 Each owner must obtain a license from the West Virginia Racing Commission.

40.2 All owners and trainers of horses and their stable employees are subject to the laws of West Virginia and the rules promulgated by its Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners, trainers and stable employees shall abide by said laws and rules and accept the decision of the stewards on any and all questions, subject to their right of appeal to the Commission.

40.3 If any owner changes trainers, he must notify the stewards and obtain a transfer certificate.

40.4 No owner shall employ a jockey for the purpose of preventing him from riding in any race.

40.5 No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or tend to do so.

40.6 An owner or his trainer shall see to it that a report is made promptly to the racing secretary or to the state veterinarian of any and all sickness of his horses.

40.7 The personnel of every stable and changes thereof shall be registered by the owner and/or trainer with the Association on whose track their horses are racing or stabled and each shall be licensed by the West Virginia Racing Commission.

§ 178-1-41. Authorized agents.

41.1 Each authorized agent must obtain a license from the Racing Commission.

41.2 Application for license must be filed for each owner represented.

41.3 A written instrument signed by the owner must accompany the application and shall clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the association and the owner's signature must be acknowledged before a notary public.

41.4 If the written instrument is a power of attorney, it shall be filed permanently with the Racing Commission, attached to the regular application form.

41.5 Any changes must be in writing and filed as above provided.

41.6 The term of the license shall expire December 31 of each year, unless the agent's appointment is revoked by the owner of the license or revoked by the Racing Commission prior thereto.

41.7 Owner's revocation must be in writing, sworn to before a notary public and filed with the Racing Commission.

§ 178-1-42. Corporations.

No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless such corporation shall have no more than ten (10) stockholders or members, each of whom shall be the registered and beneficial owner of stock or membership in such corporations; nor shall any corporation having more than ten (10) such stockholders have the power to lease for racing purposes to any natural person or persons, or partnership, any horse owned or controlled by it. Each stockholder must file an application for an owner license. All the stockholders or members of a corporation which own or lease horses for racing purposes in the State of West Virginia and also all such corporations shall make and file with the Commission as and when requested by it, a report or reports containing such information as the Commission may specify; and upon refusal or failure to file such report or reports, the Commission may refuse a license to any lessee or lessees of such corporation or may revoke any such license which it may have granted.

§ 178-1-43. Partnerships.

43.1 Each and every member of a partnership, including

husband and wife, must obtain an owner's license to allow such partnership to function on the tracks of West Virginia and complete proper partnership forms.

43.2 An authorized agent must be appointed to represent a partnership in all matters and only he shall withdraw money or sign claims for said partnership. A notarized instrument must be signed by all members of a partnership in the appointment of an authorized agent.

43.3 Partnership papers shall, among other things, set forth the following:

43.3.1 The name and address of each and every person having any interest in the horse or horses involved.

43.3.2 The relative proportions of such interests.

43.3.3 To whom the winnings are payable.

43.3.4 In whose name the horse or horses shall run

43.3.5 With whom the power of entry and declaration rests.

43.3.6 The terms of any contingency, lease or any other arrangement.

43.4 All partnership papers must be signed by all parties or by their authorized agent.

43.5 In case of emergency, authority to sign declarations of partnerships may be given to the West Virginia Racing Commission by a telegram promptly confirmed in writing.

43.6 The part owner of any horse cannot assign his share or any part of it, without the written consent of the other partners, the said consent to be lodged with the Racing Commission and the racing secretary.

43.7 An alteration in a recorded partnership registration, to be effective, must be reported in writing to the Commission and signed by all partners.

43.8 All parties to a partnership and each of them shall be jointly and severally liable for all stakes, forfeits and other

obligations.

43.9 For claiming purposes, if a horse is owned by more than one (1) owner, the total ownership shall be considered a single entity.

§ 178-1-44. Stable names.

44.1 All stable names shall be cleared with the office of the National Association of State Racing Commissioners and must be duly registered with the Racing Commission. A stable name shall be plainly distinguishable from that of another duly registered as a stable name when appearing on the program.

44.1.1 All names used not revealing the actual identity or identities of the owner or owners shall be considered a "stable name."

44.1.2 In applying to race under a stable name, the applicant must disclose the identity or the identities behind the stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with in detail.

44.1.3 Changes in identities must be reported immediately to and be approved by the Commission.

44.1.4 A person cannot register more than one stable name at the same time, nor can he use his real name for racing purposes, so long as he has a registered stable name.

44.1.5 Any person who has been registered under a stable name may, at any time, cancel it after he has given written notarized notice to the Racing Commission.

44.1.6 A person cannot register as his stable name, one which has been registered by any other person with an association conducting a recognized meeting or the Jockey Club (New York) or with another racing authority.

44.1.7 A person may not register as his stable name, one which is the real name of any owner of race horses, nor one which is the real or stable name of any prominent person now owning race horses.

44.1.8 A trainer, who is a licensed owner or part owner,

may use a stable name as owner or part owner, providing he is the trainer for the stable name owner. However, no trainer may be licensed as a trainer other than in his legal name.

44.1.9 A stable name shall be plainly distinguishable from that of another duly registered as a stable name. When appearing on the program, the stable name must be accompanied by the legal name of the owner. If the stable name has more than one owner, one (1) legal name of an owner must appear followed by the term "et al."

44.1.10 A corporate name shall be considered as a stable name for the purpose of these rules, but the Racing Commission reserves the right to refuse any corporation the privileges of registering a stable name or racing as a corporation.

44.1.11 No stable name shall be used for advertising purposes.

44.1.12 If more than one person races with a stable name registered as the owner, an authorized agent shall be appointed and he shall transact all business.

§ 178-1-45. Trainers.

45.1 Each trainer must obtain a license from the Racing Commission, listing on the application for said license all the names of owners or part owners of all horses trained by him.

45.2 No owner or trainer shall harbor on the grounds of an association, engage or retain in his employ, any unlicensed person.

45.3 When a trainer is to be absent from his stable or the grounds where his horses are racing for a period of more than one racing day, and his horses are entered or are to be entered, he must provide a licensed trainer to assume the complete responsibility of the horses he is entering or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the association accepting complete responsibility of the horse or horses being entered or running.

45.4 A licensed trainer may represent the owner in the matter of entries, declarations, and the employment of jockeys, but shall not be allowed to withdraw any money from the association, either in his own name or that of an owner, nor may he contract obligations against the account of any owner or part owner unless

he is the authorized agent of said owner or part owner, and has a license having been issued by the West Virginia Racing Commission as such.

45.5 A trainer shall have his horse in the paddock at the time appointed.

45.6 If, for any reason, the trainer of a horse is not or cannot be present at the time of collection of urine, blood or other samples, it shall be deemed by the Commission that the person actually in custody of the horse is duly authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to such action.

45.7 A trainer shall attend his horse in the paddock, and shall be present to supervise his saddling, unless he has obtained the permission of a steward to send another licensed trainer as a substitute. He shall also be present following the running of a race to attend his horse or cause a licensed employee to be present for that purpose.

45.8 A trainer shall be responsible for the condition of a horse trained by him.

45.9 Each trainer shall register with the racing secretary all the horses in his charge giving the name, age, sex, breeding and ownership of each. Any horse stabled on the grounds of the association or under the jurisdiction of the association without having been so registered, or occupying a stall not assigned for him, unless by special permission, will be cause for disciplinary action.

45.10 Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately and that office must note the same on the foal certificate.

45.11 Each trainer shall register with the racing secretary and the security department every person in his employ. He must also be responsible for the licensing of each employee and not harbor, engage or have in his charge, any person or persons not so licensed.

45.12 A trainer shall not have in his charge nor under his supervision any horse owned, in whole or in part, by a disqualified person.

45.13 No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or which would tend to do so.

45.14 No trainer shall move or permit to be moved any horse or horses in his care from the grounds of an association without permission from the racing secretary or the stewards.

45.15 No trainer shall employ a jockey for the purpose of preventing him from riding in any race.

45.16 The trainer shall be responsible as an absolute insurer of the condition of the horses he enters regardless of any act of a third party as further set forth in Section 58.4. of these rules.

45.17 An applicant for a trainer's license, who has not been previously licensed, must have the written statement of two (2) reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. Such applicant shall be given a thorough written and/or oral examination by the stewards and such other examination as deemed necessary by the stewards.

§ 178-1-46. Jockey room custodian.

46.1 It shall be the duty of the jockey room custodian to see to it that order, decorum and cleanliness are maintained in the jockey and scale rooms.

46.2 The custodian shall assist the clerk of the scales in the performances of his duties.

46.3 The custodian shall see to it that no person, other than racing officials, the Racing Commission, or its representatives, representatives of jockeys and the necessary jockey room attendants, is admitted to the jockey room on a day of racing without express permission of the stewards for each time of entry.

46.4 The custodian shall oversee the care and storage of all racing colors.

46.5 The custodian shall oversee the jockey attendants and arrange their rotation among jockeys in the matter of weighing out.

46.6 The custodian shall see to it that no jockey attendant

not approved by the stewards and not licensed by the West Virginia Racing Commission is permitted to assist any jockey at any time.

46.7 The custodian shall report to the stewards any irregularities that occur in this province.

46.8 The custodian shall see to it that jockeys are neat in appearance and attired in keeping with the rules when they leave the rooms to ride in a race.

46.9 The custodian shall not lend money to any jockey or other person or employee in jockey room nor shall said custodian sell or exchange raffle tickets or be involved or permit any financial transactions to occur of any kind in the jockey room. This rule shall not apply to racing equipment used by jockeys only.

§ 178-1-47. Claiming.

47.1 In claiming races any horse is subject to claim for its entered price by any licensed owner in good standing, or by the holder of a certificate of eligibility to claim. The procedure of obtaining a certificate to claim shall be as follows:

47.1.1 An applicant shall, five (5) days before entering a claim, submit an application for the owner's original license, to be accompanied by:

47.1.1.1 A financial statement;

47.1.1.2 The name of a licensed trainer or person eligible to be licensed as a trainer who will assume care and responsibility for the horse claimed; and

47.1.1.3 The requisite fee for owners license.

47.1.2 This certificate shall be valid for the remainder of the calendar year.

47.2 No one may claim more than one horse out of any one race.

47.2.1 No trainer, even though he be an owner and qualified under the rules to claim, may submit a claim out of the same race in which the owner of horses trained by him, has submitted a claim. If such an act inadvertently occurs, the claim made by the trainer shall be declared void.

47.2.2 No authorized agent, although representing more than one owner, shall submit more than one claim in any one race.

47.2.3 When a stable consists of horses owned by more than one owner, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race. In case such an act inadvertently occurs, the owners shall compete by lot for the right of claim.

47.2.4 When a stable consists of horses owned by more than one owner, trained by the same trainer, such owners will not be eligible to claim from that trainer's stable.

47.3 If a horse is claimed, it shall not start in a selling or claiming race for a period of thirty (30) days from the date of claim for less than twenty-five percent (25%) more than the amount for which it was claimed, nor shall it be entered for thirty (30) days after being claimed in a race in which the determining eligibility price is less than twenty-five percent (25%) more than the price at which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the thirty-first calendar day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper.

47.4 Any horse so claimed shall not be sold or transferred, wholly or in part thereof, to anyone for sixty (60) days thereafter, except in another claiming race, nor shall it remain in the same barn or under the control or management of its former owner or trainer for a like period, unless reclaimed, nor shall it race at any other racing jurisdiction for a period of sixty (60) days.

47.5 The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be for the amount so designated, plus sales tax. Should more than one claim be filed for the same horse, the disposition of the horse shall be determined by lot under the direction of one or more of the stewards or one deputized to act for them.

47.6 All claims must be made in writing on forms and in envelopes approved by the Commission. Both forms and envelopes must be filled out completely and accurately, otherwise the claim will be void. The envelope shall have no identification marked on

it, but shall be marked with the number of the race for which the claim is being made. The envelopes must be sealed, time stamped, and deposited in a locked box provided for this purpose. No money shall accompany the claim. Each person desiring to make a claim must first deposit with the association the whole amount of the claim in cash, plus sales tax, unless at the time of depositing said claim, he shall have such amount to his credit and unencumbered with the association. The spelling of a horses' name, on the official program on the day of claiming may be considered to be the accurate information for the purpose of claiming. Responsibility for determining sex of the horse, notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed. When a claim has been filed, it is irrevocable and at the risk of the claimant.

47.7 All claims must be deposited in the claiming box at least fifteen (15) minutes before post time of the race with respect to which the claim is made, and no official of said association shall give any information as to the filing of claims therein until after the race has been run. All claims shall be passed upon by the stewards.

47.8 A horse claimed shall not be delivered by the original owner to the successful claimant until authorization shall be given by the stewards, and every horse so claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from the time said horse becomes a "Starter" and said successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during the race or after it.

47.9 Any person making a claim for a horse in any claiming race shall sign an affidavit which shall be part of the claim blank, certifying that he is claiming said horse for his own account or as an authorized agent and not for any other person. Any person making such affidavit falsely shall be immediately suspended and his case referred to the Commission for further action.

47.10 No person shall refuse to deliver to the person or persons entitled thereto under theses rules, a horse claimed out of a claiming race, and furthermore, the horse in question shall be barred along with all other horses owned or trained by said person,

until delivery is made.

47.11 No person shall offer, or enter into an agreement, to claim or attempt to prevent another person from claiming, any horse in a claiming race; nor shall any person attempt by intimidation to prevent any one from running a horse in any race for which it is entered; nor shall any owner or trainer running horses in any claiming race make any agreement for the protection of each other's horses.

47.12 No person or persons shall start or allow to be started in a claiming race, a horse against which any claim is held, either as a mortgage, bill of sale, or lien of any kind, unless before starting the horse a written consent of the holder of the claim is on file with the Horsemen's Bookkeeper. A person may not claim ownership in a horse after the horse has run in a claiming race in the name of another person, who, at the time of the race, had peaceable and undisputed possession of the horse.

47.13 Any horse that has been claimed shall, after the race has been run, be taken to the paddock for delivery to the claimant, who must present written authorization for the claim, from the stewards or their designee.

47.14 If a horse has been claimed, the trainer or his designee must accompany his horse to the test barn if said horse is required to go to the test barn, and remain in the test barn until said horse has been released by the state veterinarian or his agent. The trainer or his designee must accompany the horse to the test barn if the horse has been designated to go to the test barn even though delivery has been made in accordance with Section 47.13. of these rules.

47.15 All horses claimed in other states and racing here shall be subject to the conditions of the claiming rule in the state where the claim was made.

47.16 The stewards shall be sole judge of the quality of the horses in the stable of the claimant, and shall decide when the spirit as well as the intent of the rule is being violated. They may, at their discretion, declare any claim void.

§ 178-1-48. Postponement and cancellation of races.

48.1 If the whole or a part of a racing program is abandoned, any purse race involved must be declared off.

48.2 If the whole or a part of a racing program is abandoned, any stakes race involved may be postponed or declared off.

48.3 If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

§ 178-1-49. Dead heats.

49.1 When two (2) or more horses run a dead heat, the dead heat shall not be run off.

49.2 The owners of the horses in a dead heat shall divide equally the purse money involved.

49.3 If a dead heat is for first place, each horse shall be considered a winner of the amount received according to the preceding rule.

49.4 When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which run the dead heat shall be deemed to have run a dead heat for first place.

49.5 Owners shall divide equally all moneys and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

49.6 In case of a dead heat for "win," each of the horses involved is a winner for the purpose of these rules.

§ 178-1-50. Paddock to post.

50.1 In a race each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry, each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1 - 1A. In the case of field, the horses comprising the field shall carry an individual number, i.e., 10, 11, 12 and so on or 10, 10A, 10B and so on.

50.2 Horses must be in the paddock at least twenty (20) minutes before post time unless otherwise authorized by the stewards.

50.3 Every horse must be saddled by his trainer in the paddock unless special permission has been granted by the stewards to saddle elsewhere.

50.4 After entering the track not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post unless otherwise directed by the stewards. When horses have reached the post, they will be started without unnecessary delay.

50.5 After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

50.6 In case of accident to a jockey or to his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay and may permit all jockeys to dismount and all horses to be cared for during the delay.

50.7 If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post. Horse must carry his assigned weight from paddock to post and from post to finish.

50.8 If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock and another jockey obtained, and then ridden over an uncompleted portion of the exact route of the parade to the starting point.

50.9 If a horse leaves the course while moving from paddock to post, he shall return to the course at the nearest practical point to that at which he left the course, and shall complete his parade to the post from the point at which he left the course.

50.10 No person shall willfully delay the arrival of a horse at the post.

50.11 No person other than the rider, starter or assistant starter shall be permitted to strike a horse or attempt, by shouting or otherwise, to assist it in getting a start.

§ 178-1-51. Post to finish.

51.1 A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be subject to disciplinary action.

51.2 When clear, a horse may be taken to any part of the course, but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference.

51.3 No horse or jockey shall willfully jostle another horse.

51.4 During a race, no jockey shall willfully strike, strike at or touch another jockey or another jockey's horse or equipment for the purpose of interfering with that horse or jockey.

51.5 No jockey shall unnecessarily cause his horse to shorten his stride with a view of complaint.

51.6 All horses shall be ridden out in every race and must carry their assigned weight from post to finish.

All horses are expected to give their best efforts in races in which they run, and any instruction or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instruction or advice to disciplinary action by the stewards and Commission.

51.7 If two (2) horses run in one (1) interest in any race, each shall give his best effort. The practice of declaring to win with one or the other of such horses will not be allowed.

51.8 If a horse, during the running of a race, becomes crippled or otherwise obviously unable to finish, (broken bone or profuse bleeding or any other equally disabling condition) he shall be dismounted, unsaddled and removed from the track without passing the stand and furthermore he shall under no circumstances be destroyed on the track or in the presence of the public unless authorized by the state veterinarian or his designee.

51.8.1 If a bone is broken, horse will remain on the

track until horse ambulance arrives and removes him.

51.8.2 If destruction of animal is determined as necessary, said destruction will be accomplished by the track veterinarian through the use of a needle only.

51.8.3 Jockey will not be required to weigh in.

51.9 During the running of the racing program, all unauthorized persons shall be excluded from the race course.

§ 178-1-52. Illegal and corrupt practices.

52.1 All persons guilty of any dishonest or corrupt practices, fraudulent act, or other conduct detrimental to racing, including bookmaking, touting or selling or purchasing mutuel tickets other than through mutuel machines, committed while within or without any racing enclosure, either a licensee or not, shall be ruled off all racing enclosures under the jurisdiction of the Commission, and it shall be the duty of stewards and those authorized by them to exclude from all places under their jurisdiction persons who commit such offenses or are so ruled off.

52.2 No racing official or his assistant, no owner, trainer, jockey, agent, no person having charge of or access to any race horse, nor any other person shall accept or offer to accept on his own behalf or on behalf of another, any gift or gratuity as a bribe.

52.3 No person shall give, offer, or promise, directly or indirectly, either in his own behalf or in behalf of another, any gift or gratuity with intent to bribe.

52.4 No person shall offer or receive money or any other benefit for declaring an entry from a race or for not entering a race.

52.5 No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he commit such an act on his own account.

52.6 No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding and then only on said horse.

52.7 No person shall offer or give a jockey any money or other benefit in relation to a race, unless said person is the owner or trainer of the horse ridden in said race by said jockey.

52.8 Any action or substance, drugs, or otherwise, which may interfere with the testing procedure is forbidden.

52.9 The owner or owners of any horse or horses disqualified shall be denied or shall promptly return any part of the purse or sweepstakes or any trophy or prize received and the same shall be redistributed by the stewards.

52.10 No person shall improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

52.11 No jockey's attendant shall make a bet on any race nor shall he place a bet for anyone else.

52.12 No person shall make a handbook or a foreign book on the grounds of an association.

52.13 No person shall solicit for or bet with a handbook or a foreign book on the grounds of an association. Resale of any mutuel ticket from an individual to another is prohibited and the transferer and transferee shall be permanently ejected from the grounds.

52.14 Any person having been convicted of a felony or a crime involving moral turpitude within the last ten (10) years may be denied a license and/or excluded from the grounds of an association during the conduct of a racing meet.

52.15 No person who is known as or reputed to be a bookmaker, or a vagrant within the meaning of the statutes of West Virginia, or a fugitive from justice, or whose conduct at a race track in West Virginia, or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interest of racing, shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of this Commission, and all such persons shall, upon discovery or recognition, be forthwith ejected.

52.16 No electrical or mechanical device, or other expedient designed to increase or decrease the speed of a horse, (or that would tend so to do) other than the ordinary whip, shall be

possessed by any one or applied by any one to a horse at any time on the grounds of an association, during a meeting whether in a race or otherwise.

52.17 Any person, other than a veterinarian licensed by the West Virginia Racing Commission, who gives, uses or administers any analgesics or drugs of any kind whatsoever, allows or permits any other person to give, or administer any analgesics, or drugs of any kind whatsoever, to a horse within forty-eight (48) hours prior to the running of a horse in a race, must give notice to the stewards of the use or administering of said analgesics or drugs prior to the running of said race. Any such person failing to give such notice shall be suspended or his license revoked.

52.18 No person other than a veterinarian licensed by the West Virginia Racing Commission shall have in his possession within the confines of a race track or within the stables, buildings, sheds or grounds where horses are lodged or kept, which are eligible to race over a race track of an association holding a race meeting, any drugs or stimulants, hypodermic syringes, or hypodermic needles or similar instruments which may be used for injection.

52.19 Any horse that has been nerved at or above the fetlock ("high nerved") is prohibited from running in this state. All horses that have been nerved below the fetlock ("low nerved") shall be so designated on their Jockey Club Foal Certificate, and published on the bulletin board in the racing secretary's office. It is the responsibility of the trainer to notify the commission veterinarian of the horse's nerved status prior to the time that the horse is entered, and to provide verification from the practicing veterinarian who performed the neurectomy, if the foal papers have not been previously stamped by an official at another race track.

52.20 No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his or her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

§ 178-1-53. Objections and protests.

53.1 The stewards shall take cognizance of foul riding and may entertain reports from other racing officials of the meeting

whether or not formal complaint is made, otherwise no complaint shall be considered which comes from any person other than the jockey, trainer or owner of the horse interfered with.

53.2 If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest may also be disqualified. No refunds.

53.3 If a horse leaves the track after the "Start," he must be disqualified.

53.4 A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer, or jockey of a horse engaged in the race in which the protest is made or by a racing official of the meeting.

53.5 A protest involving fraud may be made by any person.

53.6 If a claimed horse has had a posterior digital (heel nerve) neurectomy and has not complied with requirements in Section 52.19 of these rules, the claimant shall have forty-eight (48) hours from the start of the race from which said horse was claimed to file a protest which must be supported by an affidavit made by a licensed veterinarian and the state veterinarian.

53.7 A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant and filed with the stewards before post time of the race in question.

53.8 To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the stewards before the programmed post time for the race in which the protested maiden is scheduled to run.

53.9 A protest against a horse engaged in a race and filed with the stewards not less than sixty (60) minutes before post time, shall receive immediate consideration; and in default of proof within thirty (30) minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

53.10 To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in this rule shall affect the rule for races run at a wrong distance as compared

with the official program.

53.11 To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

53.12 If a jockey wishes to protest a happening in a race, he must so notify the clerk of the scales immediately upon his arrival at the scales for weighing-in.

53.13 Before the consideration for a protest, the stewards may demand a deposit of twenty-five dollars ($25.00) to be made with the racing secretary. This deposit shall be applied to the costs and expenses, as provided.

53.14 Any excess shall be refunded unless the protest is found to be frivolous, in which case the deposit may be assessed as a fine or a part thereof.

53.15 A person or persons lodging a protest must pay all costs and expenses incurred in determining the objection unless his objection is upheld, in which case the cost shall be paid by the offender.

53.16 Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be paid to and held by the horsemen's bookkeeper until the protest is determined.

53.17 A protest may not be withdrawn without permission of the stewards.

53.18 No person shall make a frivolous protest.

53.19 The stewards shall keep a record of all protest and complaints and of any action taken thereon; and shall report both daily to the Racing Commission.

53.20 Unless otherwise provided herein, all protests must be filed in writing with the stewards within twenty-four (24) hours after the occurrence of the event upon which the protest is based.

§ 178-1-54. Scale of weights for age.

54.1 The following is the scale of weights for age and shall be carried when not otherwise specified in the conditions of the

races:

Distance	AGE	Jan.& Feb.	Mar.& April	May	June	July
One-Half Mile	2yrs.					
	3 yrs.	117	119	121	123	125
	4 "	130	130	130	130	130
	5 " & up	130	130	130	130	130
Six Furlongs	2 yrs.					
	3 "	114	117	119	121	123
	4 "	129	130	130	130	130
	5 " & up	130	130	130	130	130
One Mile	2 yrs.					
	3 "	107	111	113	115	117
	4 "	127	128	127	126	126
	5 " & up	128	128	127	126	126
One Mile and a Quarter	2 yrs.					
	3 "	101	107	111	113	116
	4 "	125	127	127	126	126
	5 " & up	127	127	127	126	126
One Mile and a Half	2 yrs.					
	3 "	98	104	108	111	114
	4 "	124	126	126	126	126
	5 " & up	126	126	126	126	126
Two Miles	3 yrs.	96	102	106	109	112
	4 "	124	126	126	126	126
	5 " & up	126	126	126	126	126

DISTANCE	AGE	AUG.	SEPT.	OCT.	NOV.& DEC.
One-half Mile	2 yrs.	105	108	111	114
	3 "	126	127	128	129
	4 "	130	130	130	130
	5 " and up	130	130	130	130
Six Furlongs	2 yrs.	102	105	108	111
	3 "	125	126	127	128
	4 "	130	130	130	130

	5 " and up	130	130	130	130
One Mile	2 yrs.		96	99	102
	3 "	119	121	122	123
	4 "	126	126	126	126
	5 " and up	126	126	126	126
One Mile and a Quarter	2 yrs.				
	3 "	118	120	121	122
	4 "	126	126	126	126
	5 " and up	126	126	126	126
One Mile and a Half	2 yrs.				
	3 "	117	119	121	122
	4 "	126	126	126	126
	5 " and up	126	126	126	126
Two Miles	3 yrs.	114	117	119	120
	4 "	125	125	124	124
	5 "and up	125	125	124	124

54.2 In races of intermediate lengths, the weights for the shorter distance are carried.

54.3 In all races except handicaps and races where the conditions expressly state to the contrary, fillies two (2) years old are allowed three (3) pounds, and fillies and mares three (3) years old and upward are allowed five (5) pounds before the 1st of September and three (3) pounds afterwards.

54.4 Minimum weight in all overnight races for two (2) year olds, for three (3) year olds, or for four (4) year olds and upward shall be one hundred twelve (112) pounds subject to sex and apprentice allowance. This rule shall not apply to handicaps or to races written for three (3) year olds and upward.

§ 178-1-55. Weighing out.

55.1 The specified jockeys shall be weighed out for their respective mounts in each race by the clerk of the scales not less than twenty (20) minutes before the time fixed for the race unless otherwise authorized by the stewards. In case of substitution of rider after the original rider has been weighed out, the substitute rider shall be weighed as promptly as possible and the name of the

substitute and his weight publicly announced and posted.

55.2 No jockey may carry overweight in excess of two (2) pounds without permission of the owner or trainer and under no circumstances shall the overweight exceed five (5) pounds.

55.3 If the overweight is more than two (2) pounds in excess of the weight the horse is to carry (the owner or trainer consenting) the jockey shall declare the amount of overweight to the clerk of the scales at least forty-five (45) minutes before the time appointed for the race, and the clerk shall have the overweight posted immediately on the notice board or announced publicly. Failure on the part of any jockey to comply with rule shall be reported to the stewards.

55.4 If an underweight in excess of two (2) pounds is discovered after wagering has commenced and before the actual start, the horse shall be returned to the paddock and the weight corrected.

55.5 None of the following items should be included in a jockey's weight: Whip, head number, bridle, bit, reins, blinkers, number cloth or safety helmet.

55.6 The association shall provide the only attendants who will be permitted to assist jockeys in weighing out or at any other time while in the performance of their duties. The attendants shall be approved by the West Virginia Racing Commission and be licensed as such.

§ 178-1-56. Weighing in.

56.1 After a race has been run and after he has pulled up the horse he has ridden, the jockey shall ride promptly to the unsaddling area and there dismount, after obtaining permission from the stewards and present himself to the clerk of the scales to be weighed in.

56.2 If a jockey is prevented from riding his mount to the unsaddling area because of an accident or of illness either to himself or his horse, he may walk or be carried to the scales or he may be excused by the stewards from weighing in. (In no case shall the jockey ride a horse bleeding profusely or crippled by a broken bone past the public stands, nor shall he attempt to lead him or have him led past the public stands.)

56.3 Except by permission of the stewards, every jockey must, upon returning to the unsaddling area, unsaddle the horse he has ridden and no person shall touch said horse except by his bridle.

56.4 No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

56.5 No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his weight.

56.6 No jockey shall, before weighing in, willfully touch any person or thing, other than the equipment that is to be included in his weight.

56.7 Each jockey shall, in weighing in, carry over the scales all pieces of equipment with which he weighed out. Thereafter he may hand it to his attendant.

56.8 Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of it by more than two (2) pounds, his mount shall be disqualified.

56.9 No jockey shall weigh in at more than two (2) pounds over the weight at which he weighed out, except insofar as said weight may have been affected by the elements.

§ 178-1-57. Workout.

57.1 Every commission licensee exercising a horse shall, upon request of an official timer, correctly state the distance over which such horse is to be worked and the point on the race track where it is intending to start the workout. He must identify the horse if requested to do so.

57.2 Permission must be obtained from a steward and the track superintendent to exercise a horse, on the track, between races.

57.3 When a horse is being so warmed up or exercised, public announcement shall be made, giving the name of the horse and explaining his presence on the track.

57.4 Any horse which has not raced for a period of sixty (60) days must have one (1) published workout or a workout certified by the official clocker and announced over the public address system

prior to the horse starting.

§ 178-1-58. Medication.

58.1 Blocking of horse's legs or ankles prohibited. -- The blocking of the nerves in a horse's leg or ankle by hypodermic injection or the use on a horse of so-called local anesthetics is prohibited at any time on a day when he is entered to run in a race.

58.2 Possession of certain drugs, instruments, appliances prohibited; penalty.

58.2.1 No person, except licensed veterinarians, shall have in his possession within the enclosure or within grounds where horses are kept who are eligible to race over a race track of a recognized meeting, any drug which might affect the speed or actions of a horse, or hypodermic syringes or hypodermic needles or similar instruments which may be used for injection, or batteries, electrical or mechanical or other appliance which might affect the speed or actions of a horse.

58.2.2 Veterinarians practicing veterinary medicine on any race track where a race meeting is in progress or imminent shall use one (1) time disposable needles and shall dispose of them in an approved manner.

58.2.3 Sterile equipment must be used for collecting samples for the saliva test. All types of instruments used for injections or skin penetration of horses including surgical tattooing must be properly cleaned and sterilized by boiling for fifteen (15) minutes or autoclaving for fifteen (15) minutes at fifteen (15) pounds pressure before use on each animal.

58.3 Use of special or medicated type bandage; record -- Permission for the use of any special or medicated type of bandage to be applied to the leg of a horse, entered to run in a race on the day of the race, shall be secured from the state veterinarian subject to the approval of the stewards. The state veterinarian shall keep a record of all details of such requests.

58.4 The trainer shall be the absolute ensurer of and responsible for the condition of the horse entered in a race, regardless of the acts of third parties. Should the chemical, or other analysis of saliva, or urine samples, or other tests prove positive showing the presence of any narcotic, stimulant,

depressant, local anesthetic, or any other drug or medication not authorized, the trainer of the horse may have any or all of the following penalties inflicted: Be fined, be suspended, his license revoked, or ruled off; and in addition the owner of the horse, the foreman in charge of the horse, the groom, and any other person shown to have had the care,or attendance, of the horse may have any or all of the following penalties inflicted: Be fined, be suspended, his license revoked, or ruled off.

58.4.1 Any moneys won by a horse found to have been administered to as above, shall be forfeited and the same, upon its return, shall be redistributed.

58.5 Administration of phenothiazine. -- No person shall enter or permit to run in a race, any horse to which has been administered the drug phenothiazine, within two (2) weeks of such administration.

58.5.1 No horse participating in a race shall carry in its body any drug substance, its metabolites or analogs which are foreign to the natural horse except as provided by these regulations.

58.5.1.1 Phenylbutazone and oxyphenylbutazone to be administered in such dosage amount that the test sample shall not contain more than 5 micrograms of the drug substance, its metabolites and analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

58.5.1.2 Phenylbutazone and oxyphenylbutazone may be administered after the horse is entered to race, but in no event later than twenty-four (24) hours before post time of the race in which the horse is entered.

58.5.1.3 A horse which during the race or immediately following the running of a race before leaving the track proper, is found by the state veterinarian, to be shedding blood from one (1) or both nostrils, shall be placed on a bleeder list and is eligible to be treated on race day to prevent bleeding during its race with the medication furosemide (lasix).

58.5.1.4 Any horse that is to be treated with furosemide (lasix) must be in the detention barn and treated by his regular veterinarian no later than four (4) hours prior to post time.

58.5.1.5 Any person breaching the provisions of this rule shall be subject to fine, suspension or revocation of license.

58.5.1.6 The West Virginia Racing Commission may issue orders governing medication procedures and related instructions, which orders amplify the provisions of this article.

58.5.1.7 Any moneys and awards won by a horse found to have been in violation of these rules shall be forfeited, and the same shall be redistributed.

58.5.2 If the stewards shall find that any masking or interfering agent, such as dipyrone, polyethelene glycol or anabolic steriod, is found in the post race urine the stewards shall impose such punishment and take such other action as they may deem proper under the rules.

58.5.3 Should the analysis of any saliva, urine or other sample taken from any horse show the presence of any substance, which is the result of any oral, topical or injected medication, that has not been administered in accordance with these regulations,the trainer and any other person shown to have had the care or attendance of the horse may be fined or his license suspended, or both.

58.5.4 Anything to the contrary herein notwithstanding, furosemide, phenylbutazone or any derivative or compound thereof may be administered to any two (2) year old horses.

58.6 Vendors of horse feed or medicine. -- Any vendor of horse feed or medicines, of any kind or description, shall file with the state veterinarian a list of products which he proposes to sell or deliver within the enclosure of a race track, and shall further submit any new preparation to be offered for sale for approval of the state veterinarian. Should such vendor offer any preparation not so approved, or not so listed, he shall be denied the privileges of the stable area.

§ 178-1-59. Appeal and review.

59.1 A majority of the stewards at any horse race meeting may suspend a license and such suspension or revocation shall be effective immediately. The stewards shall, as soon as thereafter practicable, make and enter an order to that effect and serve a copy thereon on the license holder, either personally or by

certified mail, return receipt requested. Such order shall state the grounds for the action taken.

59.2 Any person or persons penalized or disciplined under the laws of the State of West Virginia or under these Rules and Regulations may request a hearing before the Commission. All such hearings shall be governed by West Virginia Procedural Regulations, 178 C.S.R.4 (1991), Dispute Resolution Procedures.

§ 178-1-60. Auditor of pari-mutuels.

60.1 A director of audit and auditor of pari-mutuel betting shall be appointed annually by the Commission and shall be compensated by the Commission. Their duties shall be determined from time to time by the Commission and such auditors shall be subject to removal at any time by the Commission.

60.2 The director of audit, and any other auditors employed by the Racing Commission who shall also be certified public accountants or experienced public accountants, shall have free access to the space or enclosure where the pari-mutuel system of wagering is conducted or calculated at any horse race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a commission as provided in the current Racing Act, and is otherwise complying with the other provisions of the Racing Act relating to the pari-mutuel system. They shall also, for the same purposes only, have full and free access to all records and papers pertaining to such pari-mutuel system of wagering and shall report to the Racing Commission in writing, under oath, whether or not the licensee has deducted and retained any commission in excess of that permitted under the Racing Act or has otherwise failed to comply with the provisions of those sections of the Racing Act pertaining to the pari-mutuel system.

60.3 The auditor of pari-mutuels shall be afforded every facility for performing all the duties that may be assigned to him by the Commission, including the following:

60.3.1 Every association licensed by the Commission shall furnish the West Virginia Racing Commission copies of their first payroll and any other that might be requested, both mutuel and operative and covering all employees performing services during any race meeting.

60.3.2 Carbon copies of all mutuel work sheets are to be

turned over to the auditor of pari-mutuels immediately after each race.

60.3.3 At the end of each race day, a consolidated report showing detailed figures of the mutuel handle, commission or take and breaks shall be handed to the auditor of pari-mutuels. Also, copies of the consolidated report, report of outs paid, shall be submitted.

60.3.4 At the end of each day, every signed complaint made by any customer, with reference to transactions with sellers or cashiers, shall be reported on printed blanks and furnished to the auditor of pari-mutuels.

60.3.5 A written report shall be kept available by the manager of the money room of all errors made by the mutuel sellers or cashiers, commonly called "Shorts or Overs." Such reports shall detail the name of the seller or cashier, his working place and the amount involved. At the end of each meet this report to be given the auditor of pari-mutuels for filing with the daily records enumerated in subsections 60.3.2, 60.3.3 and 60.3.4 above.

60.3.6 All moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the horse race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the Racing Commission within fifteen (15) days after the expiration of such ninety (90) day period and the licensee shall give such information as the Racing Commission may require concerning such outstanding and unredeemed tickets including but not limited to, the outs ledger enumerating all outstanding tickets at the end of such ninety (90) day period. In addition a statement is to be prepared to accompany said ledger setting forth the dollar amount redeemed tickets in the ninety (90) day period. In addition, a statement to accompany said ledger setting forth the quantity and amount of each denomination redeemed in the ninety (90) day period. This sum substracted from the outs balance on the closing day of the meeting with the remaining balance to be included in the remittance of the association in settlement of the "outs" account for the meeting.

60.3.7 Each association shall provide a work area for the exclusive use of the auditor of pari-mutuels. Subject to the approval of the West Virginia Racing Commission, this work area shall:

60.3.7.1 Be located within or adjacent to the totalisator room with desk and chair facilities.

60.3.7.2 Permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or closed circuit television monitor of the outside totalisator board whichever is used, and printers.

60.3.7.3 Include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the association.

60.3.7.4 Include an audio listening device for the public address system being used by the association for the address system to be heard intelligibly in the work area.

60.3.7.5 Include power outlets to operate electronic equipment.

60.3.8 All outs tickets purging sessions shall occur only after at least two (2) weeks prior notice in writing is given to the Racing Commission of such sessions. Further, the actual purging shall occur in the presence of a totalisator representative, an association representative and representative of the Racing Commission.

60.3.9 Cashed tickets and computer printouts:

60.3.9.1 Access of all totalisator employees to cashed ticket and used computer printouts storage shall be prohibited.

60.3.9.2 Cashed tickets and all used computer print-out sheets shall be secured in a facility where fire protection devices are installed and operable.

60.3.9.3 Cashed tickets and used computer print-out sheets storage shall be secured by a locking system. Access to the locket storage facilities is the responsibility of the mutuel manager. The facilities must be locked at all times except when access is needed by the mutuel manager or his designee and the Racing Commission.

§ 178-1-61. State security officer.

61.1 The security officer shall work in conjunction with the state license clerk to determine that all owners, trainers, grooms, jockeys, jockey agents, etc., have a West Virginia license. This will require working in the license clerk's office during the morning working hours as needed. The security officer shall make a daily check of the program to verify that all persons listed thereon hold a West Virginia license and if there be unlicensed personnel to take such action to insure immediate issuance of a West Virginia license.

61.2 The security officer shall make a daily check of the barn area during morning working hours to determine if proper security measures are in effect, and to determine that all personnel on the back side are properly licensed. The security officer shall likewise make afternoon spot checks to determine that proper security is in effect at all gates and entrances to the secured areas. The security officer shall, during the evening racing hours, make a daily check to insure the presence of guards at all gates and entrances to secured areas.

61.3 During racing hours the security officer shall make a daily check of the test barn area, the winner's circle and the betting ring to determine that proper security is present and that the integrity of all restricted areas are protected. The security officer shall take particular notice on a daily basis to insure that no minors are engaged in the purchase or cashing of tickets and as well to insure that no other illegal activity is being conducted in the betting circle. The security officer shall further make note of the presence of management security in all areas and that they are properly performing their duties so that the protection of the public is guaranteed.

61.4 The security officer shall further assist the stewards and the track security in all "shake downs" of the barn area, jockeys' quarters or in such other matters as may be directed by the stewards.

§ 178-1-62. State breeder awards.

62.1 A bona fide resident means a person who maintains a permanent residence within the State of West Virginia, with the intent of remaining therein, and, for the purpose of qualifying for the awards mentioned in section thirteen, article twenty-three, chapter nineteen of the Code. Further, has the physical facilities present in this State to actively engage in the business, profession or occupation of owning, breeding or the siring of

horses for racing purposes.

62.2 Claims for state awards shall be made within ninety (90) days after the running of the race for which an award is claimed.

62.3 Claims for state awards, submitted by individuals will not be processed unless they can substantiate they have been residents of the State of West Virginia for at least one (1) year prior to the date that the claim for the award is submitted.

62.4 In the event that more than one resident has an interest in a horse which earns an award, one (1) award will be paid to the individual resident, appointed in writing, by the other resident or residents.

62.5 A corporation duly registered as a resident business with the Secretary of State, is a resident within the provision of the law.

62.6 In the event that more than one (1) stallion is indicated in the jockey club records to be the sire of the winning horse, no sire owner will be paid.

§ 178-1-63. Blacksmiths.

63.1 An applicant for a platers license who has not been previously licensed in this State must have a written statement of two (2) reputable persons to the effect that the applicant is personally known to them; that he is a person of good reputation and capable of performance of the vocation he or she seeks to follow. Said applicant shall be tested by a Board consisting of a veterinarian, trainer and a licensed blacksmith appointed by the Board of Stewards. The applicant shall be tested as follows:

63.1.1 Applicant will submit to written or oral testing regarding shoes and shoeing.

63.1.2 Applicant will shoe a horse with racing plates.

63.1.3 Applicant will fit a steel stock shoe to a pattern provided by the committee, for application of bar to be added.

The applicant must have his own tools necessary to complete the examination which shall not exceed one (1) hour. If the applicant fails the test, he may not be reexamined for a period of

six (6) months.

§ 178-1-64. West Virginia Thoroughbred Development Fund.

64.1 A copy of the jockey club certificate of foal registration shall be attached to the West Virginia bred or sired registration form as a requirement to participate in the West Virginia Thoroughbred Development Fund.

Non-resident owners who are foaling mares in West Virginia and are not breeding back to West Virginia sires shall complete an affidavit to be supplied by the Racing Commission.

All West Virginia bred, sired or raised horses shall be registered with the West Virginia Thoroughbred Breeders Association to be eligible to participate in any phase of the West Virginia Thoroughbred Development Fund.

§ 178-1-65. Alcohol and drug testing.

65.1 (a) No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised race track shall have present within his/her system any amount of alcohol which would constitute legal impairment or intoxication.

Acting with reasonable cause, the stewards or a designated Racing Commission representative may direct any such licensee or employee to submit to a breathalyzer test. Such licensee or employee shall, when so directed, submit to such examination. If the results thereof show a reading of .05 percent alcohol content or more, such licensee or employee shall not be permitted to continue his/her duties for that day. Such licensee or employee shall then be subject to fine or suspension by the stewards or Racing Commission.

For a subsequent violation such licensee or employee may be subject to Procedures Following Positive Chemical Analysis (below).

65.2 No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised racetrack shall have present within his/her system any controlled substance as listed in schedule I-V of the U.S. Code, Title 21 (Food and Drugs Section 812), or any prescription legend drug unless such prescription legend drug is obtained directly or pursuant to valid precription or order from a duly licensed

physician who is acting in the course of his/her professional practice.

Acting with reasonable cause, the stewards or a designated Racing Commission representative may direct any such licensee or employee to deliver a specimen of urine in the presence of a person designated by the Racing Commission or subject himself/herself to the taking of a blood sample or other body fluids by a person designated by the Racing Commission.

In such cases, the stewards or the designated Racing Commission representative may prohibit such licensee or employee from participating in the day's racing or until such time as said licensee or employee evidences a negative test result.

Sufficient sample should be collected to insure a quantity for a split sample when possible.

Refusal by such a licensee or employee to provide the samples herein described, as so directed shall be in violation of these rules and shall subject such licensee or employee to sanction by the stewards or the Racing Commission.

All testing shall be at the expense of the Racing Commission or racing association.

65.3 For a licensee's or employee's first violation he/she shall not be allowed to participate in racing until such time as his/her condition has been professionally evaluated.

After such professional evaluation, if said licensee's or employee's condition proves non-addictive and not detrimental to the best interest of racing, said licensee or employee shall be allowed to participate in racing provided he/she can produce a negative test result and agrees to further testing at the discretion of the stewards or designated Racing Commission representative to insure his/her unimpairment.

After such professional evaluation, should said licensee's or employee's condition prove addictive or detrimental to the best interest of racing, said licensee or employee shall not be allowed to participate in racing until such time as he/she can produce a negative test result and show documented proof that he/she has successfully completed a certified alcohol drug rehabilitation program approved by the Racing Commission. Said licensee or employee must agree to further testing at the discretion of the

stewards or Racing Commission representative to insure his/her unimpairment.

For a licensee's or an employee's second violation, he/she shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the Racing Commission, to apply for reinstatement only at the discretion of the Racing Commission.

WEST VIRGINIA RACING INDEX
FOR RULES OF RACING

ABSOLUTE INSURER RULE 58.4
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