

CHAPTER 3769-16. CLAIMING AND STARTER RULES

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3769-16-01. Winnings

Winnings shall include all prizes up to the time appointed for the start and shall apply to all races in any country and shall embrace walking over or receiving forfeit but shall not include second money or lower or the value of any prize not paid in money. *Effective: 1-1-85*

3769-16-02. Winnings start on January first

Winnings during the year shall include all winnings from January first, preceding the start. *Effective: 1-1-85*

3769-16-03. Claims

(A) Any horse starting in a claiming race shall be subject to claim for its entered price. All claims must be made in writing on forms and in envelopes furnished by the permit holder. Both forms and envelopes must be filled out completely and must be sufficiently accurate to identify the claim or the claim will be void. A photocopy of the claimant's owner's license or eligibility to claim license must be submitted with the claim.

(B) Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed. *Effective: 1-1-85; 1-1-06*

3769-16-04. Persons eligible to claim

(A) Any Ohio licensed owner or any person holding an eligibility to claim license may make a claim for any horse subject to claim. Claims may be made by an authorized agent but only for the account of the person for whom he is agent.

(B) An eligibility to claim license may be issued by the Ohio state racing commission subject to rules 3769-12-18, 3769-12-26 and 3769-12-30 of the Administrative Code, to any applicant who provides a completed fingerprint card, the name of a licensed trainer who will assume the responsibility for the care of the horse claimed, together with the requisite fee. An eligibility to claim license is valid for thirty days from the date of purchase. Should a person successfully claim a horse within thirty days, such person shall purchase an owner's license prior to starting said horse. Should a person not successfully claim a horse within thirty days of purchase, the license shall be considered null and void, but such person may purchase additional eligibility to claim licenses until a successful claim has been made.

(C) Any person claiming a horse under this rule must also comply with rules 3769-16-10 and 3769-16-11 of the Administrative Code. *Effective: 1-1-85; 5-1-85; 1-1-91; 1-1-06*

3769-16-05. Time for depositing claim

The permit holder shall provide a locked box in which claims shall be deposited in a sealed envelope. The judges shall have keys to the box. Only the money required for a registration transfer shall accompany the claim. The claim shall be deposited in the box no later than fifteen minutes before post time of the race in which the claim is made. Once a claim is deposited it may not be removed. Personnel receiving claim shall note the time and date when received. The judges shall certify its validity and direct delivery of the horse if the claiming price is on deposit. *Effective: 1-1-85; 2-6-99; 1-1-06*

3769-16-06. Information on claims restricted

No official or other employee of a permit holder shall give any information as to the filing of claims until after the race has been run. *Effective: 1-1-85*

3769-16-07. Title vested

Each horse shall race for the account of the person in whose name it starts, but title to the claimed horse shall be vested in the claimant from the time it becomes a starter as defined in rule 3769-11-28 of the Administrative Code or as provided for in rule 3769-16-19 of the Administrative Code. If more than one person shall enter claims for the same horse, they shall cast lots to determine the right to consummate the claim in the presence of the judges, and the one determined by lot shall become the owner of the horse. In any case, the claimant shall take the claimed horse whether it be alive or dead, sound or unsound, or injured during the race or after it. *Effective: 1-1-85; 1-1-06*

3769-16-08. Deliver to paddock

Any horse that has been claimed shall, after the race has been contested, be taken to the paddock for delivery to the claimant by the trainer who entered the horse in the race or his designated representative. The successful claimant or designated representative shall be allowed to measure the hobbles and overcheck of the claimed horse immediately following the race. *Effective: 1-1-85; 1-1-06*

3769-16-09. Failure to deliver

Any person who refuses to deliver a horse claimed out of a claiming race, shall be suspended and the horse shall be suspended. *Effective: 1-1-85*

3769-16-10. Restriction on sale of claimed horse

No horse claimed out of a claiming race shall be sold or transferred to anyone within thirty days of the day it was claimed except in another claiming race nor shall such horse remain in the same stable or under the care or management of its former owner or trainer. *Effective: 1-1-85; 6-1-95*

3769-16-11. Moving & racing restrictions of claimed horse

(A) No horse claimed in Ohio shall race at any other track in the state until the close of the current meeting at the track at which the claim was made or for thirty days, whichever is the shorter period of time, unless by permission of the judges at the meeting. If a claimed horse is eligible to added money races at an Ohio track other than where he was claimed, the horse may race at the other track in those races only.

(B) Unless by permission of the commission or its executive director, no horse claimed in Ohio may be raced in another state for sixty days. *Effective 1-1-85; 5-1-85; 6-1-95; 2-6-99; 7-1-01; 1-1-06; 10-1-06*

3769-16-12. Claiming prices determined

(A) A claimed horse may be entered in subsequent claiming races for such claiming price as the claimant of said horse may determine.

(B) Any horse scratched from a claiming race must race for the same claiming price or less in its next start and its next start must be a claiming race or until thirty days has passed. *Effective: 1-1-85*

3769-16-13. Cannot claim own horse

No person can claim his own horse or cause his horse to be claimed directly or indirectly for his own account; nor shall any person claim more than one horse from any one race. When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race. The judges shall penalize any violator of this rule. *Effective: 1-1-85*

3769-16-14. One claim per race

No authorized agent or trainer although representing several owners shall submit more than one claim for any one race. *Effective: 1-1-85*

3769-16-15. Agreement prohibited

Any person who shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race, or attempt by intimidation to prevent anyone from starting a horse in any race for which it is entered, or any owners starting horses in a claiming race who make an agreement for the protection of each other's horses may be penalized by the judges and/or the commission. *Effective: 1-1-85*

3769-16-16. Written consent

Any person or persons who shall enter or allow to be entered in a claiming race, a horse against which any lawful claim is held, either by mortgage, bill of sale or lien of any kind, may be penalized unless before entering the horse, written consent of the holder of the claim shall be filed with the racing secretary. *Effective: 1-1-85*

3769-16-17. Disputed ownership

Any person who makes a false ownership claim to a horse may be fined and/or suspended or they may be suspended and referred to the commission for any disciplinary action the commission deems advisable. *Effective: 1-1-85*

3769-16-18. Affidavit by claimant

The judges shall require any person making a claim for a horse to make affidavit that he is claiming said horse for his own account or as an authorized agent and not for any other undisclosed person. Any person making such affidavit falsely may be subject to penalty by the judges and/or the commission. *Effective: 1-1-85*

3769-16-19. Claiming rules for scratched horse, blood test, conditions, registration

(A) No horse may be claimed from a claiming race unless said horse is declared a starter.

(B) Blood sample procedure if horse is claimed. In the event a horse is claimed, a blood sample may be taken by a licensed veterinarian, and the sample identified as being from the claimed horse shall be forwarded within twenty-four hours to an approved laboratory to be tested for equine infectious anemia. Pending the receipt of a negative test for equine infectious anemia, the money paid for the claimed horse shall be held by the track. In the event of a positive test for equine infectious anemia, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming money shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant. The test may be waived by the claimant at his discretion by so indicating on the claiming slip.

(C) Claiming conditions. If sexes are mixed, mares shall be given a price allowance, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race.

(D) Minimum price. No claiming races shall be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

(E) Determination of claiming price. No horse owner shall be prohibited from determining the price for which his horse shall be entered. *Effective: 1-1-85; 10-14-88; 4-1-99; 5-7-01; 10-1-06*

3769-16-20. Sound of bugle

A bugle shall sound as the horses come upon the track. After the horses enter the track, the course to be raced over shall be closed to all but racing officials until the judges direct that it be reopened. *Effective: 1-1-85; 1-1-06*

3769-16-21. In hands of starter

(A) Horses shall be in the hands of the starter from the time they arrive on the track until the start is effected. All horses shall parade from the paddock to the starting post, and no driver shall dismount without the permission of the starter. Attendants may not care for horses during the parade except by permission of the starter.

(B) After entering the track not more than twelve minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. *Effective: 1-1-85*

3769-16-22. Fair start

The starter shall give such orders and take such measures that do not conflict with the rules of racing, as are necessary to secure a fair start. *Effective: 1-1-85*

3769-16-23. Starter's duties

The starter shall be in the starting gate fifteen minutes before the post time of the first race. He shall have control over the horses and authority to assess fines and/or suspend drivers for any violation of the rules from the formation of the parade until the word "go" is given. He may assist in placing the horses when requested by the judges to do so. He shall notify the judges and the drivers in writing of penalties imposed by him. His services shall be paid for by the permit holder employing him. An assistant starter may be employed when a permit holder deems it necessary. *Effective: 1-1-85*

3769-16-24. Starting

(A) Starter's control. The starter shall have control of the horses from the formation of the parade until he gives the word "go."

(1) Scoring: After one or two preliminary warming-up scores, the starter shall notify the drivers to come to the starting gate. During or before the parade the drivers must be informed as to the number of scores permitted.

(2) The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

(3) Speed of gate: Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

(a) For the first one-eighth mile, not less than eleven miles per hour. (b) For the next one-sixteenth of a mile, not less than eighteen miles per hour. (c) From that point to the starting point, the speed will be gradually increased to maximum speed. (d) On mile tracks horses will be brought to the starting gate at the head of the stretch and the relative speeds mentioned in paragraphs (A)(3)(a), (A)(3)(b), and (A)(3)(c) above will be maintained.

(B) Starting point. The "starting point" will be a point marked on the inside rail a distance of not less than two hundred feet from the first turn. The starter shall give the word "go" at the starting point.

When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.
Effective: 1-1-85; 12-1-86

3769-16-25. Recall rules

In case of a recall, a light plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. At commercial parimutuel tracks, in the case of a recall, wherever possible, the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his discretion to close the wings of the gate.

(A) There shall be no recall after the word "go" has been given unless there is a mechanical failure of the starting gate. Any horse, regardless of his position or an accident, shall be deemed a starter from the time he entered into the starter's control unless dismissed by the starter.

(B) Breaking horses. The starter shall endeavor to get all horses away in position and on gait but there shall be no recall for a breaking horse.

(C) The starter may sound a recall only for the following reasons:

- (1) A horse scores ahead of the gate;
- (2) There is interference;
- (3) A horse has broken equipment;
- (4) A horse falls before the word "go" is given;
- (5) A mechanical failure of the starting gate
- (6) A horse comes to the gate out of position.

(D) In the event a horse causes two recalls, it shall be an automatic ruling of the judges that the offending horse be scratched and a mutuel refund ordered.

(E) Horses not up to the gate in position due to the fault of the driver may result in the driver being penalized by the starter as provided by rule 3769-16-26 of the Administrative Code. *Effective: 1-1-85; 4-3-86; 10-6-89; 11-1-96*

3769-16-26. Penalties, starter

(A) A fine not to exceed two hundred fifty dollars or suspension from driving not to exceed ten days, or both, may be applied to any driver by the starter for:

- (1) Delaying the start;
- (2) Failure to obey the starter's instructions;
- (3) Rushing ahead of the inside or outside wing of the gate;
- (4) Coming to the starting gate out of position;
- (5) Crossing over before reaching the starting point;
- (6) Interference with another driver during the start;
- (7) Failure to come up into position.

(B) The judges may impose a more extended penalty, if in their judgment such be warranted. *Effective: 1-1-85*

3769-16-27. Riding in gate, equipment, two tiers

(A) Riding in the gate: no persons shall be allowed to ride in the starting gate except the starter and his driver or operator and a patrol judge, unless permission has been granted by the commission.

(B) Loudspeaker: use of mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(C) Holding horses before start: horses may be held on the backstretch not to exceed two minutes awaiting post time, except when delayed by an emergency.

(D) Two tiers: in the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

Whenever a horse is drawn from any tier, horses on the outside move in to fill the vacancy. Where a horse has drawn a post position in the second tier, the driver of such horse may elect to score out behind any horse in the first tier so long as

he does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. *Effective: 1-1-85*

3769-16-28. Starting without gate

(A) When horses are started without a gate the starter shall have control of the horses from the formation of the parade until he gives the word "go." He shall be located at the wire or other point of start of the race at which point as nearly as possible the word "go" shall be given. No driver shall cause unnecessary delay after the horses are called. After two preliminary warming-up scores, the starter shall notify the drivers to form in parade.

(B) The driver of any horse refusing or failing to follow the instructions of the starter as to the parade or scoring ahead of the pole horse may be set down for the heat in which the offense occurs, or for such other period as the starter shall determine, and may be fined. Whenever a driver is taken down, the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of his position or gait and there shall not be a recall because of a bad actor. If the word "go" is not given, all the horses in the race shall immediately turn on signal, and jog back to their parade positions for a fresh start. There shall be no recall after the starting word has been given. *Effective: 1-1-85*

3769-16-29. Starters, unmanageable, bad acting horses, post positions by heats

(A) Starters: the horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course.

(B) Unmanageable horse: if, in the opinion of the judges or starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public, and refund all wagers on said horse.

(C) Bad acting horse: the starter may place a bad acting horse on the outside at his discretion. Such action may be taken only where there is time for the starter to notify the judges who will in turn notify the public prior to the sale of tickets on such race. If tickets have been sold, the bad acting horse must be scratched under the provision of paragraph (B) of this rule.

(D) Post positions, heat racing: the horse winning a heat shall take the pole (or inside position) the succeeding heat, unless otherwise specified in the published conditions, and all others shall take their positions in the order they were placed the last heat. When two or more horses shall have made a dead heat, their positions shall be settled by lot.

(E) Shield: the arms of all starting gates shall be provided with a screen or shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

(F) Every licensed starter is required to check his starting gate for malfunctions before commencing any meeting, and to practice the procedure to be followed in the event of malfunction. Both the starter and the driver of the gate must know and practice emergency procedures, and the starter is responsible for the training of drivers in such procedures. *Effective: 1-1-85*

3769-16-30. Starter's list

The starter or his assistants shall school such horses as may be necessary and shall prepare a list of horses not qualified to start, which shall be delivered to the judges and entered on the steward's list. The steward's list shall be posted in the racing secretary's office with the list of horses not qualified to start. *Effective: 1-1-85*

3769-16-31. Not permitted to wager on races

No starter or assistant starter shall either directly or indirectly wager on any race or engage in any betting transaction; nor shall he or they directly or indirectly receive presents, gratuities, remuneration or tips from any person or persons or have any interest in any horse under the penalties provided by these rules. *Effective: 1-1-85*

3769-16-32. Outrider mandatory

Each commercial permit holder shall provide one qualified person who shall serve as an outrider positioned on the track immediately prior to and during the running of all races held at such track. The general manager of each commercial track must submit to the commission certification that such person is qualified to serve as an outrider. *Effective: 1-1-03*

3769-16-99. Penalties commission may impose

(A) For a violation of any rule in this chapter and unless a rule specifically precludes the judges from doing so, the judges, upon the concurrence of two such officials, may fine a licensee an amount not in excess of the amount permitted by section 3769.091 of the Revised Code and/or suspend licenses, upon the concurrence of two such officials, for a period not to exceed the length of time permitted by section 3769.091 of the Revised Code and/or refer the licensee to the commission for further action.

Any fine or suspension may be appealed to the commission. Such appeal shall stay the fine or suspension until further action by the commission.

(B) In addition to any other penalty provided, or in the event no penalty has been provided, the commission, may, upon finding a licensee has violated a rule of this chapter, fine the licensee an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke any Ohio state racing commission license held by the licensee and/or rule off any such licensee from all Ohio race tracks.

(C) Should the commission find a permit holder, or a representative of the permit holder has violated a rule in this chapter, they may fine said permit holder or the representative of the permit holder an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke any license and/or permit held by said permit holder or representative of the permit holder and/or rule off any such permit holder's representative.

(D) Each day during which any violation of a rule in this chapter continues to occur shall be considered a separate offense and any person and/or permit holder continuing to violate said rule or rules may be penalized separately for each day the violation occurs.

(E) Any person who violates any provisions of the Horse Racing Act or any of the Ohio rules of racing for which no penalty is otherwise provided, may be denied a license under such rules. A licensee under such rules may be fined, may have his/her license suspended or revoked or may be ruled off. Any permit holder who violates any of the provisions of the Horse Racing Act or any of the Ohio rules of racing for which a penalty is not otherwise provided, may have the permit suspended or revoked, or may be denied a permit upon subsequent application therefor. *Effective: 1-1-85; 5-1-85*