

CHAPTER 3769-1. GENERAL DEFINITIONS

3769-1-01. General definitions

The definitions hereinafter set forth are parts of the rules of racing prescribed by the Ohio state racing commission, hereinafter sometimes referred to as the "commission." Such rules are prescribed pursuant to Chapter 3769. of the Revised Code hereinafter referred to as the Horse racing [sic] Act. *Effective 1-1-85*

3769-1-02. Race meeting

A "race meeting" or "meeting" is the period of time for which permission to conduct horse racing has been granted to a permit holder by the commission. *Effective 1-1-85*

3769-1-03. Racing hours

A race meeting or "meeting" begins at ten a.m. on its first day and ends one hour after the last race on its last day but not before seven p.m. on said last day. *Effective 1-1-85*

3769-1-04. Day, month, year

(A) A "day" means twenty-four hours ending at midnight; (B) A "month" means a calendar month; (C) A "year" means a calendar year. *Effective 1-1-85*

3769-1-05. Permit

A "permit" is a permit issued by the commission to conduct a horse racing meeting in Ohio. *Effective 1-1-85*

3769-1-06. License

A "license" is a license issued by the commission. *Effective 1-1-85*

3769-1-07. Persons required to have a license

(A) "Licensed person" pertains to any person who has received a license from the racing commission.

(B) "Persons required to have a license" pertains to any person whose activities on a race track would require such person to be so licensed. *Effective 1-1-85*

3769-1-08. Permit holder or association

A "permit holder" or "association" is a corporation, trust, partnership, limited partnership, association, person or other group of persons who or which has been granted a permit to conduct a horse racing meeting. *Effective 1-1-85*

3769-1-09. Recognized meeting

A "recognized meeting" is a horse racing meeting for which a permit has been issued by the commission or by the racing authority of any other state or foreign country. *Effective 1-1-85*

3769-1-10. Ruled off

"Ruled off" means an individual is denied access to any permit holder's premises and is forbidden to participate in any way in the racing conducted during all meetings. *Effective 1-1-85; 2-2-08*

3769-1-11. Breakage

"Breakage" or "breaks" consists of the odd cents of all redistributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. *Effective 1-1-85*

3769-1-12. Mutuel field

A "mutuel field" consists of two or more horses of separate interests grouped together for pari-mutuel wagering. *Effective 1-1-85*

3769-1-13. Money position

"Money position" or "in the money" means first, second or third position. *Effective 1-1-85*

3769-1-14. Horse

"Horse" includes stallion, colt, gelding, ridgling, filly or mare. *Effective 1-1-85*

3769-1-15. Place bred

A thoroughbred horse is "bred" at the place of its birth. *Effective 1-1-85*

3769-1-16. Thoroughbred breeder

The "breeder of a thoroughbred horse" is the owner of the mare at the time of foaling. *Effective 1-1-85*

3769-1-161. Thoroughbred breeder Award

A "Thoroughbred Breeder Award" is the payment from the thoroughbred race fund paid in accordance with Section 3769.083 (c)(3) of the Ohio Revised Code. No award shall be made after the death of the eligible breeder or stallion owner unless there is a surviving co-breeder or stallion co-owner who is registered as such with the commission prior to the date of eligibility. *Effective 8-1-06*

3769-1-17. Owner

"Owner" includes part owner or lessee, but an interest in the winnings of a horse does not of itself constitute ownership. *Effective 1-1-85*

3769-1-18. Age of horse

The "age" of all horses is reckoned as being on the first day of January of the year in which it was foaled. *Effective 1-1-85*

3769-1-19. Maiden

A "maiden" is a horse which never has won a race in any country. A maiden which is disqualified after finishing first is still a maiden. *Effective 1-1-85*

3769-1-20. Race

A "race" is a contest of speed for a purse, stakes, premium, wager of money, or for admission fees, on any course, and in the presence of a steward or stewards. *Effective 1-1-85*

3769-1-21. Purse race

A "purse race" is a race to which the owners of the horses engaged do not contribute. *Effective 1-1-85*

3769-1-22. Stake or sweepstake

A "stake" or "sweepstakes" is a race, in which stakes are posted and in which nominations are made not less than seventy-two hours before noon of the day on which the race is to be run. *Effective 1-1-85*

3769-1-23. Overnight event

An "overnight event" is a race for which entries close at a time set by the racing secretary, and for which owners of horses entered are not required by its conditions to contribute money toward its purse. *Effective 1-1-85; 6-1-06*

3769-1-24. Handicap race

A "handicap" is a race in which the weights to be carried by the horses entered are imposed by the handicapper in accordance with his estimate of their abilities. *Effective 1-1-85*

3769-1-25. Free race or free handicap

A "free race" or "free handicap" is one in which no liability is incurred for entrance money, stake or forfeit until acceptance of weight allotted, either by direct acceptance or failure to declare out. *Effective 1-1-85*

3769-1-26. Claiming race

A "claiming race" is a race in which every horse starting may be claimed in conformity to the rules. *Effective 1-1-85*

3769-1-27. Flat race

A "flat race" is a race run over a course on which no hurdles or other obstacles are placed. *Effective 1-1-85*

3769-1-28. Walk over

When only horses which are of a non-competing interest start in a race, it constitutes a "walk over." In a "stake race," a "walk over" is entitled to all the stake money and forfeits. To claim the purse, the entry must, however, start and go once over the course. *Effective 1-1-85*

3769-1-29. Produce race

A "produce race" is a race for the foals of mares named or described at the time of entry. A "futures" is a produce race. *Effective 1-1-85*

3769-1-30. Weight for age

"Weight for age" means weight imposts according to the scale hereinafter provided in the rules of the Ohio state racing commission. *Effective 1-1-85*

3769-1-31. Weighing out and weighing in

"Weighing out" means the weighing of a jockey with prescribed equipment prior to a race, and "weighing in" means such weighing subsequent to a race. *Effective 1-1-85*

3769-1-32. Nominator

A "nominator" is the person in whose name a horse is entered for a race. *Effective 1-1-85*

3769-1-33. Nomination or subscription

A "nomination" or "subscription" is the making of an entry for a stake or handicap race. *Effective 1-1-85*

3769-1-34. Arrears

"Arrears" includes all sums due for entrance money, subscriptions, stakes, fees, fines and any default incident to the rules of the racing authority of any other state or country. *Effective 1-1-85*

3769-1-35. Entry

"Entry" can mean any of the following:

(A) The announcement of intention to cause or permit a horse to participate in a stated race accompanied by performance of such acts as may be necessary to make such horse eligible to participate;

(B) Any horse accepted as a contestant in a stated race;

(C) Two or more horses having common ownership or trainer grouped together for the purposes of pari-mutuel wagering.

Effective 1-1-85

3769-1-36. Withdrawal

A horse is "declared," "declared out" or "scratched," and a "declaration," "declaration out" or "scratch" occurs when the horse is withdrawn from participation in a race. *Effective 1-1-85*

3769-1-37. Scratch time

"Scratch time" is the hour appointed by the racing secretary until which scratches or declarations may be made as provided in these rules. *Effective 1-1-85*

3769-1-38. When horse is starter

A horse is a "starter" when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses. *Effective 1-1-85*

3769-1-39. Reference to hour of day

As set out in these rules, any reference to an hour of the day shall be considered to be the local time at the track where the race is being contested. *Effective 1-1-85*

3769-1-40. Possession/in their possession

"Possession" or "in their possession" shall mean: in, on or about the licensee's person, or any vehicle which they own, use, or have access to, as well as the entire area assigned and occupied or used by the responsible person which would include but is not limited to barns, stables, stalls, tack rooms, and feed rooms. *Effective 1-1-85*

3769-1-41. Winner defined

The "winner" is the horse whose nose reaches the finish wire first. The finishing position of all other horses shall be determined in the same manner. *Effective 1-1-85; 3-19-87*

3769-1-42. Simulcast defined.

"Simulcast" shall mean the telecast, for wagering purposes, of audio and visual signals of live horse races conducted at facilities either inside or outside the state of Ohio. *Effective 3-1-96*