

# CHAPTER 3769-6. CLAIMING, STARTER AND JOCKEY RULES

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## 3769-6-01. 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*

## 3769-6-02. Winnings start on January first

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

## 3769-6-03. Winner of certain sum

"Winner of a certain sum" shall mean winner of a single race of that value unless otherwise expressed in the conditions. *Effective: 1-1-85*

## 3769-6-04. Contributions deducted

In estimating the net value of a race to the winner, all sums contributed by its owner or nominator shall be deducted from the amount it won. In estimating the value of a series of races in which an extra sum of money is won by winning two or more races, the extra sum shall be estimated in the last race by which it was finally won. Foreign winnings shall be estimated on the basis of the normal rate of exchange on the day of the winning. *Effective: 1-1-85*

## 3769-6-05. Gross earnings

On and after January 1, 1981, the winnings of a horse in a stake race shall be computed on the value of the gross earnings. *Effective: 1-1-85*

## 3769-6-06. Shares in dead heat

In event of a dead heat, each horse's earnings shall be credited with equal purse as follows:

- (A) Dead heat for first share first and second money;
- (B) Dead heat for second share second and third money;
- (C) Dead heat for third share third and fourth money;
- (D) Dead heat for fourth share fourth and fifth money;
- (E) Dead heat for fifth share fifth money and sixth money.

(F) These subdivisions apply in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run. *Effective: 1-1-85; 1-1-06*

### **3769-6-07. 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.

(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*

### **3769-6-08. 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/she is agent.

(B) An eligibility to claim license may be issued by the Ohio state racing commission subject to rules 3769-2-18, 3769-2-26 and 3769-2-30 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, along with the requisite fee. An eligibility to claim license is valid for thirty days from the date of purchase. 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 3769-6-14 and 3769-6-15 of the Administrative Code. *Effective: 1-1-85; 5-1-85; 1-1-91; 1-1-06*

### **3769-6-09. Time for depositing claim**

The permit holder shall provide a locked box in which claims shall be deposited in a sealed envelope. The stewards and racing secretary shall have keys to the box. No money shall accompany the claim. The claim shall be deposited in the box no later than ten minutes before the scheduled 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 stewards shall certify its validity and direct the racing secretary to authorize delivery of the horse if the claiming price is on deposit. *Effective: 1-1-85; 6-1-93; 2-6-99*

### **3769-6-10. 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*

### **3769-6-11. Title vested when horse becomes starter**

Each horse shall run 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 3769-1-38 of the Administrative Code. If more than one person shall enter claim for the same horse, they shall cast lots to determine the right to consummate the claim in the presence of the stewards, 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*

### **3769-6-12. Deliver to paddock**

Any horse that has been claimed shall, after the race has been run, be taken to an area designated by the stewards. If a test is required the horse shall be taken to the test barn and shall remain in the care of the original trainer until released by the commission veterinarian who shall thereafter release to the claimant. *Effective: 1-1-85; 1-1-06*

### **3769-6-13. Failure to deliver**

Any person who refuses to deliver a horse claimed out of a claiming race, shall be fined and/or suspended by the stewards and liable to the penalties set forth in rule 3769-6-99 of the Administrative Code. *Effective: 1-1-85*

### **3769-6-14. Restriction on sale of claimed horses**

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; 7-1-01*

### **3769-6-15. Moving and racing restrictions of claimed horse**

(A) No thoroughbred horse claimed in Ohio may be raced in another state, except in a stake race, for a period of sixty days. *Effective: 1-1-85; 5-1-85; 8-1-91; 6-1-95; 7-1-01; 2-2-08*

### **3769-6-16. Claiming races**

A claimed horse may be entered in subsequent claiming races for such claiming price as the claimant of said horse may determine. *Effective: 1-1-85; 8-10-95*

#### **3769-6-17. 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 stewards shall suspend any person who violates this rule and the commission may rule off the offender in addition to any other penalty provided for in rule 3769-6-99 of the Administrative Code. *Effective: 1-1-85*

#### **3769-6-18. One claim per race**

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

#### **3769-6-19. 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 running a horse in any race for which it is entered, or any owners running horses in a claiming race who make an agreement for the protection of each other's horses, may be fined, and/or suspended or referred to the commission for further action. *Effective: 1-1-85*

#### **3769-6-20. Written consent**

(A) No person or persons 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, unless before entering the horse, the written consent of the holder of the outstanding claim shall be filed with the racing secretary.

(B) Any person or persons violating this rule may be fined and/or suspended and referred to the commission by the stewards. The commission may rule off or take other action against such person or persons as they deem appropriate. *Effective: 1-1-85*

#### **3769-6-21. Affidavit by claimant**

The stewards may require any person making a claim for a horse to make an 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 stewards and/or the commission. *Effective: 1-1-85*

#### **3769-6-22. 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*

#### **3769-6-23. Jockey reporting time**

Every jockey who is engaged to ride in a race shall report to the scale room on the day of the race at the time required by the officials. He or she shall then report his or her engagements and overweight, if any, to the clerk of the scales. *Effective: 1-1-85*

#### **3769-6-24. Weighing out**

(A) All jockeys engaged for a race shall be weighed out not less than twenty minutes before the post time for the next race.

(B) A jockey's weight shall include his/her clothing, boots, saddle and its attachments and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles and number cloth. A safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British equestrian trade association (BETA). *Effective: 1-1-85; 1-1-94*

#### **3769-6-25. Safety helmet and vest**

(A) A safety helmet of design approved by the commission and/or the stewards must be worn by every jockey in a race. An approved safety helmet shall also be worn by any person engaged in working out a horse on any flat racing strip. The outriders shall report all violations to the stewards who may fine and/or suspend any person who violates this rule.

(B) A jockey or apprentice jockey shall not ride in any race unless he/she wears a safety vest. Such safety vest shall provide a minimum of shock absorbing protection to the upper body of a five rating as defined by the British [sic] equestrian trade association. A safety vest shall weigh no more than two pounds and shall not be included in the jockey's weight when weighing out to race. *Effective: 1-1-85; 10-4-92; 1-1-94*

#### **3769-6-25.1 Safety reins**

(A) No jockey, apprentice jockey, exercise person or any person mounted on a horse shall ride, breeze, exercise, gallop or workout a horse on the grounds of a facility under the jurisdiction of the Ohio State Racing Commission unless the horse is equipped with safety reins. A safety rein is a rein designed and constructed to provide a secure secondary attachment to the bit

that is secured to a reinforcement material to prevent failure due to breakage of the rein, or breakage or inadvertent loss of the primary connection to the bit.

(B) This rule is enacted to adopt the safety measures encouraged by the Association of Racing Commissioners International. Upon notification from the Association of Racing Commissioners International that standards for the safety reins have been set, the Commission shall send notice to the Ohio Horsemen's Benevolent and Protective Association, the Jockeys Guild, the Ohio Thoroughbred Breeders and Owners, and any other group or persons who request such notice. The notice will indicate that Rule 3769-6-25.1 paragraph (A) of this rule will be enforced on the one-hundred eightieth (180) day after the date of the notice. *Effective: 7-1-08*

#### **3769-6-26. Jockey attire**

The jockey shall be weighed out fully dressed in his/her riding clothing of cap, jacket, breeches and boots. His/her weight shall include saddle with attachments including undergirth, stirrups, webbing and weight pad, if weight pad is needed. The weight shall not include safety helmet, safety vest, bridle or whip. He/she shall wear an arm number corresponding to his/her saddle cloth number. His/her whip shall weigh not more than one pound and be approved by the track stewards. Whips shall be limited to thirty inches in length, including a looped popper of not less than one and one-quarter inches in width. The clerk of scales shall have the duty of checking the whips used by riders [sic] in a race. The bridle shall weigh not more than two pounds. The use of spurs is prohibited. *Effective: 1-1-85; 1-1-94*

#### **3769-6-27. Weights**

The owner or his representative shall be responsible for the weight his horse carries. No horse may carry more than two pounds overweight without consent of its owner or trainer, but in no case shall a horse carry more than seven pounds overweight, except in a stakes race where no more than ten pounds overweight shall be permitted. *Effective: 1-1-85*

#### **3769-6-28. Sound of bugle**

A bugle shall be sounded as the horses come upon the track. After the horses enter the track, the course over which the horses will run shall be closed to all but racing officials until the stewards direct that it be reopened. *Effective: 1-1-85*

#### **3769-6-29. 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 and carry their weight from paddock to starting post, and no jockey shall dismount without permission of the starter. Attendants may not care for horses during the parade except by permission of the starter.

(B) Each horse shall parade past the stewards' stand unless excused by the stewards.

(C) After a horse enters the track and passes the stewards' stand, only the hands of the pony person assigned to the horse, the jockey, an assistant starter, an outrider on a lead pony or the track veterinarian may touch the horse before the start of the race.

(D) 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. After passing the stewards' stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay. *Effective: 1-1-85; 1-1-92; 2-2-08*

#### **3769-6-30. Fair start**

(A) The starter shall give such orders and take such measures not in conflict with the rules of racing, as are necessary to secure a fair start.

(B) Should an accident or malfunction of the starting gate, or other unforeseen event during a race, compromise the fairness of the race or safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one or more pari-mutuel pools, or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

(C) 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, at the time of entry, submit a written request to the starter and said horse will not be tailed or tonged. *Effective: 1-1-85; 1-1-06*

#### **3769-6-31. Starter's assistants**

With the approval of the stewards, the starter shall be required to appoint additional assistants in sufficient number, which in any event shall be no less than eight, so as to insure that each starting horse in each race of that day's live racing program will be promptly and efficiently loaded in the starting gate. Neither the starter nor his assistants shall strike or use abusive language towards a jockey upon penalty of disciplinary action by the stewards. Neither the starter nor his assistants shall exercise force or abuse upon a horse upon penalty or disciplinary action by the stewards. *Effective: 1-1-85; 1-1-01*

#### **3769-6-32. Alter position of assistants**

The starter shall change the positions of his assistants on the track for each race and shall not designate their respective positions until after the horses have left the paddock. *Effective: 1-1-85*

### **3769-6-33. Outriders**

There shall be two or more outriders in all races at all running horse racing meetings on each day that racing occurs. *Effective: 1-1-85; 1-1-06*

### **3769-6-34. Mounted attendant**

By permission of the stewards and upon payment of not less than a five-dollar fee through the horseowners' bookkeeper, a mounted attendant may lead a horse to the starting post but any horse so led must pass the stand. *Effective: 1-1-85*

### **3769-6-35. Horse carries weight and jockey stays mounted**

(A) Each horse shall carry the full weight assigned for that race from the paddock to the starting point and throughout the race.

(B) After the horses enter the track, no jockey may dismount nor entrust his or her horse to the care of an attendant except in case of an accident or injury to the jockey or the horse or in the event of an equipment problem, and then only with the prior consent of the starter.

(C) During any delay in which a jockey is permitted to dismount, all other jockeys may, with the permission of the starter or the stewards, dismount for the same period of time and their horses may be attended by assistant starters or pony persons. *Effective: 1-1-85; 1-1-92*

### **3769-6-36. Enclosed starting gate**

All starts at thoroughbred meetings shall be made from an enclosed starting gate, and there can be no start until and no recall after the starter has caused the gates to be opened; provided, that in an emergency and with permission of the stewards the start may be made from a starting gate with opened stalls or with a flag or in any other manner that the stewards may prescribe, but no start shall be effected until the starter shall have given the agreed signal for said start and no recall shall be possible after he shall have given the agreed signal. *Effective: 1-1-85*

### **3769-6-37. Starting positions**

Horses shall take their positions in the starting gate in alternating sequence, with the horse assigned to the post position closest to the inside rail and the horse assigned to the post position nearest to the middle of the field being loaded first, and so on until the field is properly loaded, unless in the starter's opinion a horse is unduly fractious or unruly in which case the starter shall be the first authority as to the horse's numerical loading into the starting gate. *Effective: 1-1-85; 3-8-01*

### **3769-6-38. Failure to operate**

If when the starter gives the signal for the start of any race, the doors at the front of one or more of the stalls should fail to open, causing the occupant or occupants to be left, or if a horse is not in the starting gate stall when the field is dispatched, thereby causing a horse to be left, the starter shall notify the stewards immediately, who shall notify the parimutuel department that such horse or horses so left shall be deemed for all purposes not to have participated in said race but to have been withdrawn therefrom immediately subsequent to the finish of the next preceding race; and the permit holder shall thereupon make disposition of wagers upon such horse or horses in accordance with such notification by the stewards, and pursuant to the provisions of rule 3769-4-38 of the Administrative Code. If such a situation should arise with respect to a race for which nominating, eligibility or starting fees have been paid, all fees paid with relation to the horse or horses left shall be deducted from the purse and refunded to the nominator or the respective nominators. *Effective 1-1-85*

### **3769-6-39. Discipline by starter**

The starter may, with the approval of the stewards, discipline jockeys for rule infractions at the post or for disobedience of the starter's instructions by a fine not to exceed two hundred fifty dollars and/or suspension of not more than five days. However, the stewards may impose a more extended suspension. Such suspension shall begin at the close of the day's racing. *Effective: 1-1-85; 1-1-06*

### **3769-6-40. Report punishments**

Repealed. *Effective: 1-1-85; 1-1-06*

### **3769-6-41. Starter approval**

No horse shall be permitted to start without being approved by the starter. *Effective: 1-1-85; 1-1-87; 1-1-06*

### **3769-6-42. 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, a copy of which shall be delivered to the racing secretary. The starter's list shall be posted in the racing secretary's office with the list of horses not qualified to start. *Effective: 1-1-85*

**3769-6-43. Not permitted to wager on race**

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 penalty of immediate suspension or revocation of license and/or being referred to the commission for further action. *Effective: 1-1-85*

**3769-6-44. Jockey must start horse**

The horse must be started by the jockey. No other person except the starter or an assistant starter shall be permitted to help in effecting a start by striking a horse or shouting at it or otherwise assisting. *Effective: 1-1-85*

**3769-6-45. Must remain on course**

If a horse leaves the course, it shall be disqualified. *Effective: 1-1-85*

**3769-6-46. Determining foul riding; stewards**

Every jockey shall be responsible for making their best effort to control and guide their mount in such a way as not to cause a foul. The stewards shall take cognizance of riding which results in a foul, irrespective of whether an objection is lodged, and if in the opinion of the stewards a foul is committed as a result of a jockey not making their best effort to control and guide their mount to avoid a foul, whether intentionally or through carelessness or incompetence, such jockey or horse may be penalized at the discretion of the stewards. *Effective: 1-1-85*

**3769-6-47. Leading horse and fouls**

A leading horse when clear is entitled to any part of the track. If a leading horse, or any other horse in a race, swerves or is ridden to either side so as to interfere with or intimidate or impede any other horse or jockey, or to cause same, it is a foul. If a jockey strikes another horse or jockey, it is a foul. If in the opinion of the stewards, a foul has been committed, any offending horses may be disqualified by the stewards and the jockey fined and/or suspended. *Effective: 1-1-85*

**3769-6-48. Shall be ridden out**

Every horse shall be ridden out unless injured. Any jockey who, without adequate cause, shall rein in before crossing the finish line or who shall fail to use his/ her utmost exertion to obtain a winning performance from the horse ridden by him/her may be suspended, ruled off, or may be subject to such other penalty as the stewards or commission may impose. *Effective: 1-1-85*

**3769-6-49. Weighing in**

At the conclusion of any handicap, stake or sweepstakes race, upon pulling up after a race, each jockey shall return to the place of weighing, in public view or adjacent to the winners circle, and there dismount, but not before permission to do so has been asked and obtained of the stewards, and be weighed in by the clerk of scales. If a jockey's horse is in such condition that he/she cannot ride it to the scales, or if he/she is ill or injured, he/she may walk or may be carried to the scales, or he/she may be excused by the stewards from weighing in. In all races other than a stake or handicap race, the stewards may declare the race official prior to the time that each jockey weighs in. However, each jockey shall still be required to weigh in immediately after dismounting. *Effective: 1-1-85; 10-6-89*

**3769-6-50. Must use licensed outrider**

Except in stakes and handicap races when permission may be granted by the stewards, no mounted attendant, except a licensed outrider, shall be permitted to lead a horse to the place of dismounting after such horse has been pulled up by the jockey at the end of a race. *Effective: 1-1-85*

**3769-6-51. Must take own equipment off**

No person shall assist the jockey in taking his/her equipment off his/her horse except by permission of the stewards. *Effective: 1-1-85*

**3769-6-52. Covering restricted**

No person shall throw any covering over any horse at the place of dismounting until its equipment shall have been removed. *Effective: 1-1-85*

**3769-6-53. Weigh in immediately**

No jockey shall touch any person or thing before weighing in under penalty of fine and or suspension. *Effective: 1-1-85*

**3769-6-54. Must weigh in**

If a jockey who is not excused does not present himself/herself to be weighed in, he/she may be fined and/or suspended. *Effective: 1-1-85*

### **3769-6-55. Excess weight**

If any jockey brings in more than two pounds in excess of their weight out, they may be fined and/or suspended unless the stewards are satisfied that such overweight is caused by an accumulation of mud and water in the clothing of the jockey. *Effective: 1-1-85*

### **3769-6-56. No disqualification for overweight**

No horse shall be disqualified for bringing in overweight. *Effective: 1-1-85*

### **3769-6-57. Disqualification for underweight**

If a horse brings in weight which is short by two or more pounds of the weight out, it shall be disqualified. *Effective: 1-1-85*

### **3769-6-58. Entries may be disqualified**

When a horse is disqualified, the other horse or horses in the same race coupled with it as an entry, in the discretion of the stewards, may be disqualified. *Effective: 1-1-85*

### **3769-6-59. Subject to fine or suspension**

If any jockey is guilty of violating rules with respect to weight or weighing or if he/she fails to bring in his/her weight out, he/she may be fined and/or suspended. *Effective: 1-1-85*

### **3769-6-60. Whip restrictions**

A jockey may be fined and/or suspended for the following actions that could be considered excessive, indiscriminate or brutal use of the whip.

- (A) Causing visible injury to a horse.
- (B) Striking another horse or rider on the track.
- (C) Using the whip on a tired horse.
- (D) Whipping a horse after a race.
- (E) The use of any goading or mechanical device, chain, nail, or appliance, other than the ordinary whip used for racing.
- (F) The use of a whip which is longer than thirty inches in length, including a looped popper of not less than one and one quarter inch in width.
- (G) Any other use of the whip the stewards may deem inappropriate. *Effective: 4-1-88; 10-5-98; 6-2-05*

### **3769-6-99. Penalties commission may impose**

(A) For a violation of any rule in this chapter and unless a rule specifically precludes the stewards from doing so, the stewards, 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*