

**CHAPTER 30.
CLAIMING RACES**

3A O.S., § 204(A)

325:30-1-1. Purpose

The rules of this Chapter establish requirements and describe procedures for the conduct of claiming races at Commission-licensed racetracks authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 204. [See also 3A:203.4 and 3A:203.5]

325:30-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Horse Racing Act [3A:200 et seq.]

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

"**Assistant trainer**" means a person qualified and licensed by the Commission as an Assistant Trainer.

"**Authorized agent**" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner in whose behalf the Agent will act. Said affidavit must be on file with the Commission.

"**Commissioner**" means a member of the Oklahoma Horse Racing Commission.

"**Day**" means a 24-hour period ending at midnight.

"**Field**" means all horses competing in a race.

"**Horse**" means:

(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) an entire equine male five years of age and older.

"**Lessee**" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"**Lessor**" means the Owner of a horse that is leased.

"**Occupation license**" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"**Organization license**" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"**Owner**" means any person who holds in whole or in part, any right, title or interest in a horse or an organization licensee or any person who is a lessee of a

horse and has been duly issued a currently-valid Owner's license as a person responsible for such horse.

"**Race**" means a contest between horses.

"**Race day**" means a day during a race meeting when pari-mutuel wagering is conducted on live racing conducted at that racetrack.

"**Rules**" means the rules adopted by the Commission to implement the provisions of the Act.

"**Stable name**" means a name used other than the actual legal name of an Owner or lessee which is registered with the Commission.

"**Starter**" means a horse whose stall door of the starting gate opens in front of such horse at the time the Starter (the Official) dispatches the horses.

"**Steward**" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"**Trainer**" means a person qualified and licensed by the Commission as a Trainer.

"**Year**" means a calendar year.

75 O.S., §§ 302, 305, and 307; 3A O.S. § 200.1(B)
[Source: Amended at 16 Ok Reg 2876, eff 7-12-99]

325:30-1-3. Racing Interest Defined

For the purposes of this Subchapter, a racing interest is defined as any individual Owner, or any partnership of Owners, or any registered stable, but not including a lessee which participates as an owning entity or nominator of a racehorse. A licensed Owner may participate in more than one (1) racing interest but not participate in more than one (1) Stable Name.

325:30-1-4. Eligibility to Claim

In claiming races, any horse is subject to being claimed for its entered price by any racing interest, by any licensed horse Owner, or by any person who has established his/her qualifications to claim by filing an application for license as horse Owner and having been granted a certificate authorizing the claim. Such claim certificate shall not be issued until all conditions and qualifications for a horse Owner's license have been met.

325:30-1-5. Prohibited Actions with Respect to Claim

No person shall:

- (1) Enter into or offer to enter into any agreement to claim any horse unless all parties to the agreement are eligible to claim.
- (2) Claim his/her own horse or cause his/her own horse to be claimed directly or indirectly for his/her own account.
- (3) Attempt to prevent or prevent any racing interest from running a horse in any race for which it is entered or from claiming any horse in any claiming race.
- (4) Make any agreement with any other person or

- racings interest for the protection of each other's horses in any claiming race.
- (5) Make any loan agreement for the purpose of obtaining funds for the claim of any horse when a condition of such agreement is a lien on the horse to be claimed.
 - (6) Except with permission of the Stewards, remove any horse which has been entered in a claiming race from the grounds of the organization where it is entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse.
 - (7) Claim more than one (1) horse for the account of any racing interest from an one claiming race, nor, if an Authorized Agent representing more than one (1) racing interest, file more than two (2) separate claims on behalf of any of the racing interests s/he may represent.
 - (8) Offer any monetary or other reward to any Pony Rider, Exercise Person, Groom, stable employee or other licensee for information relative to the physical condition or merit of a horse, or provide information relative to the physical condition or merit of a horse from the time such horse is entered in a claiming race until the expiration of time to make a claim on such horse in that claiming race.

325:30-1-6. Responsibility for Prohibited Actions

If a racing interest is comprised of more than one (1) licensed Owner, all Owners comprising such racing interest are jointly and severally liable for any action of the racing interest.

325:30-1-7. Affidavit May be Required

The Stewards may require any person or any racing interest, its members or authorized agent, making a claim for a horse in any claiming race to make an affidavit in writing that s/he is claiming said horse for his/her own account if an individual owner, for the account of the racing interest if comprised of more than one licensed Owner, or for the racing interest if an Authorized Agent; and attest that the claim is not being made for any other person. Any person making such affidavit falsely shall be immediately suspended and his/her case referred by the Stewards to the Commission for further action.

325:30-1-8. Form and Deposit of Claim

All claims shall be in writing on a form approved by the Commission, shall be enclosed in the claim envelope, sealed and deposited in the claim box at least ten (10) minutes before post time of the race in which the horse to be claimed is entered. No money shall accompany a claim form, and any person or racing interest making a claim shall first have the amount of

the claim and all applicable taxes on deposit with the Horsemen's Bookkeeper at the race meeting. The filing of a claim by depositing the claim form in the claim box constitutes a contract of purchase at the established price and in accordance with the rules for claiming.

[Source: Amended at 11 Ok Reg 4199, eff 7-26-94 05-04-95]

325:30-1-9. Errors Which Invalidate Claim

A claim is invalid if the name of the horse to be claimed is erroneously spelled or not specified on the claim form, or if the claim form is not signed by an Owner authorized to claim or a member of a racing interest authorized to claim or their properly registered Authorized Agent, or is not accompanied by a certification from the Horsemen's Bookkeeper that the amount of the claim and all applicable taxes are on deposit with the organization or such Horsemen's Bookkeeper, or does not specify the racing interest making the claim, or fails to specify the designated claiming price, or is otherwise so defective in any particular that the Stewards cannot approve its validity.

325:30-1-10. Opening of Claim

When the claiming time has expired, the Stewards or their designee shall open and examine the claims; but no information concerning such claims shall be divulged to anyone other than the authorized Racing Officials until the race has been run. Should more than one (1) claim be filed for the same horse, the successful claimant shall be determined by lot in a manner specified by the Stewards. The Stewards or their designee shall verify with the Horsemen's Bookkeeper by initialing or otherwise marking the claim that the amount required and all applicable taxes are on deposit, and that the person submitting the claim is eligible to claim.

325:30-1-11. Vesting of Title to Claimed Horse

Title to a horse which is claimed shall be vested in the successful claimant from the time the Starter (the Racing Official) dispatches the field and the horse becomes a starter; and said successful claimant becomes the Owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it. A subsequent disqualification of the horse by order of the Stewards or the Commission shall have no effect upon the claim. 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 the determination of the sex or age of any claimed horse.

325:30-1-12. Delivery of Claimed Horse

A horse which has been claimed shall not be delivered by the original Owner to the successful

claimant until authorization is given by the Stewards, and every horse so claimed shall run for the account of the racing interest in whose name it is entered for such race. No horse claimed out of a claiming race shall remain in the same stable under the management of its former Owner or Trainer.

325:30-1-13. Delivery of Claimed Horse to the Test Barn

If the horse which has been claimed is required by the Stewards to be sent to the test barn, the original Trainer shall maintain responsibility for the condition of the horse. Said Trainer or his/her representative shall observe the testing procedure and sign the test sample tag. However, the successful claimant or his/her representative shall maintain the actual physical custody of the claimed horse.

325:30-1-14. Delivery of Certificates or Documents

A proper transfer of Certificate of Registration for the claimed horse shall be made by the Stewards or the delegated Racing Official indicating transfer of ownership to the successful claimant. No person shall willfully refuse to surrender any document of ownership or other document required by the Stewards for the purpose of avoiding or hindering the transfer of a successfully claimed horse to a successful claimant.

325:30-1-15. Warranty of Clear Title

Every racing interest entering a horse in a claiming race does warrant that the title to said horse is free and clear of an existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the Stewards and the Racing Secretary and its entry approved by the Stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

325:30-1-16. Sale or Transfer of Claimed Horse

No horse claimed out of a claiming race shall be sold or transferred to any person for racing purposes within thirty (30) days, exclusive of the day such horse was claimed except in another claiming race.

325:30-1-17. Entry of Claimed Horse

A horse claimed out of a claiming race shall be eligible to race at any racing organization within the State of Oklahoma immediately or any state thirty (30) days after being claimed or the end of the race meeting where the claim occurred, whichever is sooner; provided that the horse shall not be eligible to start in any other claiming race for a period of (30) days exclusive of the day such horse was claimed for less than the price for which the horse was claimed. A claimed horse, with permission of the Stewards at that

race meeting, may be allowed to participate in stakes or nomination race in other jurisdictions.

[Source: Amended at 13 Ok Reg 2157, eff 6-14-96 11-07-96]

325:30-1-18. Entry of Mare in Foal in a Claiming Race

No person shall enter a mare in any claiming race when such mare is pregnant, unless prior to the time of entry the Owner shall have deposited with the Racing Secretary a signed agreement whereby the Owner at the time of entry shall provide to the successful claimant of such mare without cost, protest or fee of any kind the valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the Stewards a petition for rescission of the claim within thirty (30) days exclusive of the date of claim if such successful claimant finds that the claimed mare is pregnant and if the agreement to provide the valid stallion service certificate has not been deposited as required by this Section.

325:30-1-19. Rescission of Claim

The Stewards may set aside and order rescission of a claim for any horse from a claiming race run at a Commission-licensed racetrack upon a showing that any party to the claim committed any prohibited action with respect to the claim, or that the Owner of the horse at the time of entry in the claiming race failed to comply with any requirement of this Chapter regarding entry of a horse into a claiming race. Should the Stewards order a rescission of a claim, they may also, in their discretion, make a further order for the costs of maintenance and care of the horse as the Stewards may deem appropriate.