

CHAPTER 25. ENTRIES AND DECLARATIONS

325:25-1-2. 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.].

"Accredited Oklahoma-Bred horse" means a horse that is eligible pursuant to the Act and Commission rules and whose registration in the Oklahoma-Bred Program has been completed by the official Registering Agency.

"Added money" means the amount exclusive of trophy added into a stakes by the Organization Licensee, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from the horsemen.

"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.

"Also eligible" means:

(A) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched from a race prior to scratch time.

(B) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

"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, ~~or~~ Trainer, Parent or Guardian of a minor on whose behalf the Agent will act, and limited to the actions as specified on the affidavit. Said affidavit must be on file with the Commission.

"Closing" means the time published by the Organization Licensee after which nominations or entries will not be accepted for a race.

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

"Conditions of a race" means the qualifications which determine the eligibility of a horse to be entered in a race.

"Coupled entry" means two or more contestants in a race that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

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

"Declaration" means the act of withdrawing an entered horse from a race before the closing of entries.

"Draw" means the process of publicly assigning post positions and selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

"Entry" means:

(A) A horse eligible for and entered in a race.

(B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training (also see "Coupled Entry").

"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.

"Maiden" means a horse which has never won an official or recognized race as defined in breed registry rules. A maiden which has been disqualified after finishing first is still a maiden.

"Mutuel field" means two or more contestants treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person who nominates a horse as a possible contender in a race.

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

"Occupation licensee" means any person who has obtained an occupation license.

"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 license as a person responsible for such horse.

"Post position" means the position in the starting gate assigned to the horse for the start of the race.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Program" means the published listing of all contests and contestants for a specific performance.

"Race" means a contest between horses.

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

"Races" mean:

- (A) **Allowance.** An overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, number of wins, and distance of race.
- (B) **Claiming.** A race in which any horse starting may be claimed and purchased for a designated amount in conformance with the rules in this Title.
- (C) **Exhibition.** A race on which no wagering is permitted.
- (D) **Handicap.** A race in which the weights to be carried by the horses are assigned by the Racing Secretary.
- (E) **Invitational.** A race in which the competing horses are selected by inviting

their Owners to enter specific horses.

(F) **Maiden.** A race restricted to non-winners.

(G) **Match.** A race contested between two or more horses under conditions agreed to by their Owners.

(H) **Nomination.** A race in which the subscription to a payment schedule nominates and sustains the eligibility of a particular horse. Nominations must close at least seventy-two (72) hours before the first post time of the day the race is originally scheduled to be run.

(I) **Oklahoma-Bred.** A race for which entry may be restricted to accredited Oklahoma-Bred registered horses.

(J) **Overnight (Purse).** A race for which entries close at a time set by the Racing Secretary.

(K) **Progeny.** A race restricted to the offspring of a specific stallion or stallions.

(L) **Schooling.** A preparatory race for entry qualification in official races which conforms to requirements adopted by the Commission.

(M) **Stakes.** A race which is eligible for stakes or "black-type" recognition by the particular breed registry.

(N) **Trial.** A race or a series of races in which horses participate for the purpose of determining eligibility for a subsequent contest.

(O) **Walkover.** A race in which only one horse starts or in which all the starters are owned by the same interest. To claim the purse, a horse must start and go the distance of the race.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

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

"Scratch" means the act of withdrawing an entered horse from a race after the closing of entries.

"Scratch time" means the deadline for withdrawal of entries from a scheduled race.

"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.

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

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

"Subscription" means the act of nominating a horse to a nomination race.

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

"Week" means a calendar week.

"Weight for age" means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Year" means a calendar year.

325:25-1-6. Determining Eligibility

(a) Determination of a horse's eligibility, penalty or penalties and the right to allowance or allowances for all races shall be from the date of the horse's last race unless the conditions specify otherwise. The Trainer is responsible for the eligibility of his/her horse and to properly enter his/her horse in condition. In the event the records of the Racing Secretary or the appropriate breed registry do not reflect the horse's most recent starts, the Trainer or Owner shall accurately provide such information. If a horse is not eligible under the first condition of any race, it cannot be eligible under subsequent conditions. If the conditions specify non-winners of a certain amount, it means that the horse has not won a race in which the winner's share was the specified amount or more. If the conditions specify non-earners of a stated amount, it means that the horse has not earned that stated amount in any total number of races regardless of the horse's placing.

(b) Disqualification:

(1) When the Commission receives an official testing laboratory report of a Positive Test or Overage for a winner of a race that requires a disqualification, change in the order of finish and redistribution of the purse, the horse in question shall maintain the win in past performance records and carry the penalty of a win when determining eligibility for entry in a subsequent race. This horse's condition and eligibility shall remain in effect until the Stewards issue a ruling disqualifying the aforementioned horse and order a redistribution of the purse.

(2) The second place horse shall not carry the win in past performance records nor shall the second place horse carry the win in determining eligibility for entry in a subsequent race until the Stewards issue a ruling disqualifying the winner, change the order of finish and order a redistribution of the purse.

(3) Should the aforementioned ruling be appealed, the disqualification, change in the order of finish and purse redistribution is stayed until final adjudication; and the winner must carry the win and the second place horse is not penalized for the condition.

325:25-1-10. Horses Ineligible to Start in a Race

(a) In addition to any other valid ground or reason, a horse is ineligible to start in any race if:

(1) Such horse is not registered by The Jockey Club if a Thoroughbred; the American Quarter Horse Association if a Quarter Horse; the Appaloosa Horse Club if an Appaloosa; the Arabian Horse Club Registry of America if an Arabian; the American Paint Horse Association if a Paint; the Pinto Horse Association of America, Inc., if a Pinto; or any successors to any of the foregoing or other registry recognized by the Commission.

~~(2) The original, replacement, or corrected Certificate of Foal Registration, or other registration issued by the official registry for such horse is not on file with the Racing Secretary prior to the race in which the horse is scheduled to race. The Stewards may make exceptions in certain stakes races, in which case such Foal Certificate must be on file no later than one (1) hour prior to post time for the first race of that race program, except that in emergency situations for finals and stakes races, the Stewards may allow a horse to start in a race if an acceptable photocopy of the Foal Certificate is provided by a representative of a turf governing body, a licensed racetrack or a breed registry, and the original Foal Certificate is on file with that entity. However, under no~~

~~circumstances shall any money earned be paid to said starter until the original, replacement, or corrected Foal Certificate is received by the Stewards so that all information may be verified and any eligibility notations recorded on or attached to the Foal Certificate.~~

(2) If its breed registration certificate is not on file with the racing secretary, unless the racing secretary has submitted the certificate to the appropriate bred registry for correction, or in the case of Thoroughbred horses foaled in 2018 or thereafter, the horse does not have a Digital Tattoo; the stewards may waive these requirements if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the stewards' satisfaction.

(3) Such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry.

(4) The Win Certificate, Certificate of Foal Registration, eligibility papers, or other registration issued by the official registry has been materially altered, erased, removed, or forged.

(5) Such horse is ineligible to enter said race, is not duly entered for such race, or remains ineligible ~~to~~ at time of starting.

(6) The ownership and Trainer of such horse has not completed the prescribed licensing procedures required by the Commission before starting the horse, or the horse is in the care of an unlicensed Trainer.

(7) Such horse is a suspended horse.

(8) Such horse is on the Stewards' List, Starter's List, or the Veterinarian's List.

(9) Except with permission of the Stewards and Horse Identifier, the identification markings of the horse do not agree with the identification as set forth on the Registration Certificate to the extent that a correction is required from the appropriate breed registry.

(10) ~~Except with the permission of the Stewards, the horse has not been: lip tattooed by a Commission-approved Tattooer.~~

(A) verified by the appropriate breed registry; and

(B) tattooed on the inside of the upper lip, or digital tattoo; or

(C) microchipped with a unique microchip (ISO 11784); or

(D) freeze brand; or

(E) identified by any other method approved by the appropriate breed registry and the Commission.

(11) The entry of a horse is not in the name of its true Owner.

(12) The horse has drawn into the field or has started in a race on the same day.

(13) The age of the horse as determined by an examination of its teeth by the Official Veterinarian does not correspond to the age shown on its Registration Certificate, such determination by tooth examination to be made in accordance with the current OFFICIAL GUIDE FOR DETERMINING THE AGE OF THE HORSE as adopted by the American Association of Equine Practitioners.

(14) The Certificate of Registration of a horse reflects an unknown sire or dam.

(15) An Ownership transfer for a claimed horse is being processed by the Racing Secretary to a breed registry, and an acceptable photocopy of the Foal Certificate is not on file with the Racing Secretary.

(16) A horse is wholly or partially owned by a disqualified person, or a horse is under the direct or indirect management of a disqualified person.

(17) A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted.

(18) The horse is a cloned horse.

(19) The horse has an open hole in its trachea, by means of a tracheotomy or otherwise.

(b) Additionally, a horse is ineligible to start in a race if:

(1) The horse is owned in whole or in part or is trained by any person who is suspended or ineligible for a license or ineligible to participate under the rules of any Stud Book Registry; and

(2) The Commission determines that:

(A) The Stud Book Registry has adopted uniform criteria and procedures for use in excluding horses from participating in a race for the horse's breed and for suspending or finding an Owner or Trainer ineligible;

(B) The Stud Book Registry has adopted procedures that afford the affected Owner(s) or Trainer(s) with Notice and a meaningful opportunity to respond, that comports with due process, prior to suspending or finding the Owner or Trainer ineligible or excluding a horse; and

(C) The Stud Registry has provided the Commission's Director of Law Enforcement Division with (1) the Registry's Order of Suspension or Ineligibility for an act or omission that violates the Oklahoma Horse Racing Act and/or Commission Rules and (2) the Due Process Notice provided to the Owner or Trainer in the proceeding leading to the Order of Suspension or Ineligibility.

325:25-1-32. Coggins Test

No horse shall be allowed on the premises of an Oklahoma racetrack unless it has had a Coggins test conducted within 12 months and with a negative result. The test record may be a copy of the original Coggins test. Record of the negative test for a race horse participating in a claiming race shall be the original VS Form 10-11 or an approved electronic version ~~attached to~~ along with the registration papers of the horse and conducted within 12 months of the race in question. The Trainer of the race horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule prior to racing. Failure to comply subjects the Licensee to disciplinary action.