

7883.0140 CLAIMING RACES.

Subpart 1. **Who may claim.** In claiming races, any horse is subject to claim for its entered price by any person who is eligible to claim or by an authorized agent. The following persons are eligible to claim:

A. Any owner licensed by the commission.

B. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until the commission completes a preliminary background investigation. An owner's license will not be granted until after the claiming authorization has been executed and the applicant completes the licensing process. The applicant must complete the licensing process within ten days of executing the claiming authorization. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

Subp. 2. **Claiming procedure.** Claims shall be made in writing on a form provided by the association and approved by the commission. Claims shall be signed and sealed in an envelope having no identification marks except:

A. the name of the track;

B. the number of the race from which the claim is being made; and

C. a time stamp provided by the track for that purpose reflecting that the claim was made not less than 15 minutes prior to the post time of the race in which the horse to be claimed is entered.

Subp. 3. **Examination of claim envelopes.** The claims clerk shall open the claim box, search for, open, and examine the claim envelopes no more than 15 minutes prior to post time for each race.

Subp. 4. **Information shall not be divulged.** No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsepersons' bookkeeper until after the race has been run.

Subp. 5. **Multiple claims determined by lot.** If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the stewards or the claims clerk.

Subp. 6. **Claims are irrevocable.** Once a claim is deposited in the claim box, the claim cannot be withdrawn or revoked.

Subp. 7. **Invalid claims.** A claim is invalid if:

A. the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;

B. the claimant does not have at least the amount of the claim and any applicable tax or fee on deposit or credited with the horsepersons' bookkeeper;

C. the claim form does not specify the designated price as printed in the program, or is not signed, or does not fully indicate the name of the party making the claim, or is otherwise incorrectly completed; or

D. the claim envelope is inaccurate.

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

The stewards shall void a claim if:

A. the horse dies or is euthanized within one hour of racing; or

B. the horse is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury, lameness, or unsoundness of heart or lung. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this provision shall be made on the claim form. For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary disease or bleeding from one or both nostrils.

Subp. 9. **Prohibition on claims.** No person or racing interest shall:

A. claim more than one horse from any one race;

B. claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;

C. refuse to deliver a claimed horse to the successful claimant;

D. remove any horse which has been entered in a claiming race from the grounds of the association where it has been 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;

E. 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;

F. attempt to intimidate or prevent anyone from running a horse in any claiming race;

G. claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law, or father-in-law;

H. claim a horse from an owner whose horse is trained by the claimant's trainer;

I. being a trainer, claim a horse from an owner for whom he or she trains;

J. enter, or allow to be entered, any horse against which any claim is held, either by mortgage or lien of any kind without, prior to entering, having filed the written consent of the holder of the

mortgage or lien with the racing secretary and horsepersons' bookkeeper. Notification of the mortgage or lien must be posted in a conspicuous place in both the racing secretary's and horsepersons' bookkeeper's offices; or

K. claim a horse if he or she only leases a horse for racing purposes, unless the claim is executed pursuant to subpart 1, item B.

Subp. 10. **Affidavit may be required.** Whenever the stewards have reasonable doubt about the validity of a claim, they shall require a claimant to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

Subp. 11. **Claimant responsible for determining true age and sex.** Determination of the true age and sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

Subp. 12. **Ineligibility of bred mare.** If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race.

Subp. 13. **Foal certificates remain in custody of racing secretary.** The foal certificate or eligibility papers of a claimed horse shall remain in the custody of the racing secretary until the new owner removes the horse from the grounds of the association.

Subp. 14. **Stakes engagements transfer to claimant.** The stakes engagements of a claimed horse transfer automatically with the horse to the claimant.

Subp. 15. **Protest of claim.**

A. Except for protests involving medication violations in item B, a written protest of a claim that states the basis of the protest must be submitted to the stewards not later than the next racing day after the race was run. The stewards shall investigate the matter as soon as reasonably possible and determine the validity of the protest.

B. A postrace test shall be conducted on any claimed horse in compliance with chapter 7890. The claimant may request voidance of the claim if the initial forensic analysis of the test sample demonstrates a medication violation under chapter 7890.

Upon receipt of notification from a commission veterinarian of a medication violation involving a claimed horse, the stewards shall immediately notify the successful claimant who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided.

Within 12 hours of a notification of a medication violation from the stewards, the original trainer must provide the new trainer, on a commission form, the name of the specific medication involved. A copy of the completed form must be provided to the stewards within 24 hours.

C. When a request is made to void any claim under item A or B, the successful claimant is responsible for all expenses incurred for the care of the claimed horse from the time the horse is

transferred to the claimant until the time the horse is ordered returned to the prior owner following voidance of the claim by the stewards in accordance with this rule.

D. Voidance of a claim is not an option if, after coming under the care, custody, and control of the claimant, the horse has already run for the claimant or has died.

Subp. 16. **Title to claimed horse.** Title to a horse which is claimed shall be vested in the successful claimant at the time the field has been dispatched from the starting gate and the horse becomes a starter, and the successful claimant becomes the owner of the horse whether it is sound or unsound, or injured during the race or after it, except as specified in subpart 8. Only a horse that is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the commission shall have no effect upon the claim.

Subp. 17. **Horse shall run in interest of owner.** On the day claimed, a claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

Subp. 18. [Repealed, 40 SR 29]

Subp. 19. **Delivery and responsibility for postrace analysis.** A trainer whose horse has been claimed is responsible for the horse until after collection of the blood, urine, or hair specimens at the detention barn where delivery shall be made to the successful claimant, trainer, or employee of the claimant or trainer.

Subp. 20. [Repealed, 33 SR 8]

Subp. 21. [Repealed, 20 SR 2592]

Subp. 22. **Claimed horse shall race at track claimed.**

A. No claimed horse shall race at any other racetrack unless:

- (1) the last scheduled overnight race for that breed at the meet has been drawn; or
- (2) 60 days have passed since the day the horse was claimed.

B. The restrictions on claimed horses racing at another track may be waived if the horse is entering a race to fulfill stakes engagements or by request of the association's racing secretary with the written approval of the stewards.

Subp. 23. **Claimed horse shall not be transferred.** No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

Subp. 24. [Repealed, 40 SR 29]

Subp. 25. [Repealed, 40 SR 29]

Subp. 26. **Claiming authorization.** The commission or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

A. Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

B. Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

C. Has at least the amount of the claim on deposit or credited with the horsepersons' bookkeeper.

Subp. 27. **Claiming authorization valid for calendar year.** A claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

Subp. 28. **Claiming authorization fee.** The same fee charged for an owner's license shall be payable to the commission by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public. A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

Subp. 29. [Repealed, 33 SR 8]

Subp. 30. [Repealed, 40 SR 29]

Subp. 31. **Waiver claiming rule.** At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided:

A. the horse has been laid off and has not started for a minimum of 120 days since its last race;

B. the horse's last race as an official starter was a claiming race in which the horse was eligible to be claimed; and

C. the horse is entered for a claiming price equal to or greater than the price at which it last started.

Failure to declare the horse ineligible at the time of entry may not be remedied and the ineligibility shall apply only to the first start following each such layoff.

Subp. 32. [Repealed, 42 SR 1258]

Statutory Authority: *MS s 240.03; 240.13; 240.15; 240.19; 240.23; 240.24*

History: 9 SR 2527; 10 SR 2161; 12 SR 2393; 14 SR 2008; 15 SR 2307; 16 SR 2684; 19 SR 2307; 20 SR 2592; 21 SR 1407; 25 SR 1609; 33 SR 8; 34 SR 1135; 40 SR 29; 41 SR 1322; 42 SR 1258; 44 SR 1047; 46 SR 1210; 47 SR 990; 49 SR 497

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