

1 Racing Commission

2

3 Adopted Rules Relating to Horse Racing

4

5 Rules as Adopted

6 7870.0439 STRIKES AND LOCKOUTS.

7 A licensee constructing a horse racing facility must enter  
8 into a no-strike, no-lockout agreement with the statewide labor  
9 organization which represents the largest number of construction  
10 employees in Minnesota.

11 7870.0500 CONTRACT APPROVAL.

12 Subpart 1. Contracts and subcontracts subject to prior  
13 commission approval. Contracts entered into, renewed, or  
14 extended by Class A, B, and D licensees and their contractors  
15 for goods and services are subject to prior approval by the  
16 commission. ~~Contracts and subcontracts~~ must include affirmative  
17 action plans establishing goals and timetables consistent with  
18 Minnesota Statutes, chapter 363. All Class A, B, and D  
19 licensees must submit ~~copies of any written contracts and~~  
20 ~~subcontracts to the commission. No contract or subcontract is~~  
21 ~~valid, nor are~~ as soon as practicable to the commission the name  
22 and the address of the contractor or subcontractor, amount and  
23 duration of the contract or subcontract, and a description of  
24 the good or service provided. The commission shall determine  
25 whether the contract or subcontract may affect the integrity of  
26 pari-mutuel racing, and the commission shall notify the licensee  
27 whether the commission intends to review and approve or  
28 disapprove the contract or subcontract. In making a  
29 determination that a contract or subcontract may affect the  
30 integrity of racing, the commission shall consider the amount  
31 and duration; the extent to which the contractor or  
32 subcontractor will be on the premises of the licensee; the  
33 relationship of the contract or subcontract to security;  
34 opportunity for contact between the contractor or subcontractor  
35 and horses, horsepersons, or patrons; opportunity for

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1 contractor or subcontractor to influence the management and  
2 conduct of pari-mutuel racing; contact with admission,  
3 pari-mutuel, concession, or purse money; and whether the  
4 commission has reason to believe that the contractor or  
5 subcontractor is incompetent, financially irresponsible, or not  
6 of good character. If notified of the commission's intention to  
7 review and approve or disapprove a contract or subcontract, the  
8 licensee shall promptly submit to the commission copies of any  
9 written contracts or subcontracts as well as any documentation,  
10 records, or information the commission may request with regard  
11 to the contract. If the commission notifies a licensee of the  
12 commission's intention to review and approve or disapprove a  
13 contract or subcontract, the contract or subcontract is not  
14 valid, nor is either of the parties bound by the contract until  
15 it has been approved by the commission. The commission shall  
16 approve or disapprove contracts and subcontracts within 30 days,  
17 as computed pursuant to Minnesota Statutes, section 645.15,  
18 after submission.

19 Subp. 2. Waiver of review. The commission, by application  
20 of the criteria in subpart 1 to contract information received,  
21 may determine that contracts and subcontracts of certain types,  
22 amounts, or durations will not affect the integrity of  
23 pari-mutuel racing and need not be reviewed. If the commission  
24 so concludes, it shall give written notice to affected licensees  
25 of the types, amounts, or durations of contracts and  
26 subcontracts which will not be reviewed and affected licensees  
27 need not thereafter submit the information required in subpart 1  
28 for those contracts or subcontracts. The commission, at any  
29 time, may by written notice to affected licensees, rescind its  
30 decision not to review contracts and subcontracts of certain  
31 types, amounts, or durations and require submission of the  
32 information required in subpart 1 if it determines that the  
33 integrity of pari-mutuel racing is affected.

34 Subp. 3. Information required. If a the commission  
35 notifies a licensee of its intention to review and approve or  
36 disapprove a contract or subcontract, and the contract or

1 subcontract is in an amount more than \$50,000 or of a duration  
2 longer than 30 days, a Class A, B, or D licensee also must  
3 submit to the commission:

4           A. The name, address, and telephone number of the  
5 contractor or subcontractor.

6           B. The name, address, date of birth, in the case of  
7 individuals, and social security number, if provided, of every  
8 director, officer, general partner, or other policymaker and  
9 holder of a direct or indirect record or beneficial ownership or  
10 other voting interest or control, whether absolute or  
11 contingent, of five percent or more in the contractor or  
12 subcontractor and the nature and extent of such interest or  
13 control. If a nonindividual holds more than a 25 percent  
14 interest or control of a contractor or subcontractor, the  
15 disclosure required by this item must be made of policymakers  
16 and holders of interests or control of ten percent or more in  
17 that entity.

18           C. A description of any contract, agreement, or  
19 understanding entered into by an individual or other entity  
20 identified in item B with regard to performance of the contract  
21 or subcontract or its benefits.

22           D. Descriptions of the most recent five contracts or  
23 subcontracts performed or being performed, date, and for whom.

24           E. Claims of delay or failure in meeting tax,  
25 financial, or other obligations, including bankruptcy  
26 proceedings, and any other litigation or administrative  
27 proceedings in which the contractor or subcontractor was a party  
28 during the past five years.

29           F. The signature, name, address, and title of an  
30 individual providing the information. The licensee must make  
31 its best effort to notify the commission promptly of any change  
32 in the information required by items A, B, C, E, and F before  
33 performance is completed.

34           Subp. 3 4. Basis for commission approval. The commission  
35 shall approve the contract or subcontract if it determines that  
36 approval will not adversely affect racing or the public

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1 interest, is in accordance with applicable laws and rules, and  
2 will not adversely affect the public health, safety, and  
3 welfare. In making that determination, the commission must  
4 consider the contractor or subcontractor's competence,  
5 experience, reputation, record of law abidance, and financial  
6 responsibility.

7 Subp. 4 5. Rescission of approval. The commission, after  
8 notice and an opportunity to be heard, may rescind its approval  
9 of a contract or subcontract during its performance if the  
10 commission determines that the contractor or subcontractor no  
11 longer meets the criteria in subpart 3 4.

12 Subp. 5 6. Economic opportunities for racial minorities.  
13 Class A and B licensees are required, to the extent feasible, to  
14 establish the following goals to assist in providing economic  
15 opportunities for racial minorities:

16 A. establish a minimum goal of ten percent for  
17 construction subcontracts/material suppliers with minority  
18 business enterprises during construction of the facility, and  
19 establish a labor and employment goal of ten percent for racial  
20 minorities in on-site construction jobs;

21 B. establish a minimum goal of ten percent for hiring  
22 racial minorities in all job categories of the licensee's  
23 postconstruction workforce, including clerical, laborers,  
24 officials and managers, professionals, technicians, and  
25 salesworkers, and make a good faith effort to achieve this goal  
26 within two years of commencing racing operations;

27 C. establish a minimum goal of 15 percent of its  
28 total vendor, supplier, and other contracts with minority  
29 business enterprises for the postconstruction period, and  
30 achieve this goal within two years after completion of the  
31 initial construction; and

32 D. establish a minimum goal of making available up to  
33 ten percent of the available equity ownership to racial  
34 minorities.

35 Subp. 6 7. Economic opportunities for women. Class A and  
36 B licensees also are required, to the extent feasible,

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1 establish the following goals to assist in providing economic  
2 opportunities for women:

3           A. establish a minimum goal of four percent for  
4 construction subcontracts/material suppliers with women business  
5 enterprises during construction of the facility, and establish a  
6 labor and employment goal of four percent for women in on-site  
7 construction jobs;

8           B. establish a minimum goal of 51.4 percent for  
9 hiring women in all job categories of all the licensee's  
10 postconstruction workforce, including clerical, laborers,  
11 officials and managers, professionals, technicians, and  
12 salesworkers, and make a good faith effort to achieve this goal  
13 within two years of commencing racing operations;

14           C. establish a minimum goal of 15 percent of its  
15 total vendor, supplier, or other contracts with women business  
16 enterprises for the postconstruction period, and make a good  
17 faith effort to achieve this goal within two years after  
18 completion of the initial construction; and

19           D. establish a minimum goal of making available up to  
20 ten percent of the available equity ownership to women.

21       Subp. 7 8. **Economic opportunities for disabled.** Class A  
22 and B licensees are required, to the extent feasible, to  
23 establish reasonable goals to assist in providing economic  
24 opportunities for disabled individuals. These affirmative  
25 action goals must be set with respect to the Class A and B  
26 licensees' construction subcontracts/material suppliers during  
27 facility construction, on-site construction jobs,  
28 postconstruction labor force, postconstruction vendor, supplier  
29 and other contracts, and available equity ownership  
30 opportunities.

31       Subp. 8 9. **Compliance reports.** Class A and B licensees  
32 are required to file ~~semiannual~~ quarterly reports with the  
33 commission demonstrating compliance with the requirements of  
34 this part on forms provided by the commission.

35       Subp. 9 10. **Definitions.** For the purpose of this part,  
36 the following words have the following meaning:

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1           A. "Disabled individual" means a person who has a  
2 physical or mental impairment which substantially limits one or  
3 more major life activity; it does not include an alcohol or drug  
4 abuser whose current use of alcohol or drugs renders that  
5 individual a hazard to the individual or others.

6           B. "Good faith effort" means a reasonable effort to  
7 accomplish goals and timetables.

8           C. "Minority business enterprise" is a business owned  
9 and controlled by minority individuals and-is-a-small-business  
10 concern (1) which is at least 51 percent owned by one or more  
11 minority individuals or, in the case of any publicly owned  
12 business, at least 51 percent of the stock of which is owned by  
13 one or more minority individuals, and (2) whose management and  
14 daily business operations are controlled by one or more of such  
15 individuals.

16           D. "Owned and controlled" means a business with at  
17 least 51 percent of the economic beneficial interest, at least  
18 51 percent of the voting interest, and whose management and  
19 daily business operation are legitimately held by a person (or  
20 persons in any combination) who is a racial minority or woman.

21           E. "Racial minority" means:

22                   (1) Blacks, persons having origins in any of the  
23 Black African racial groups not of Hispanic origin;

24                   (2) Hispanic, persons of Mexican, Puerto Rican,  
25 Cuban, Central American, South American, or other Spanish  
26 culture or origin, regardless of race;

27                   (3) Asian and Pacific Islander, persons having  
28 origins in any of the original peoples of the Far East,  
29 Southeast Asia, the Indian subcontinent, or the Pacific Islands;  
30 and

31                   (4) American or Alaskan Native, persons having  
32 origins in any of the original peoples of North America and  
33 maintaining identifiable tribal affiliations through membership  
34 and participation or community identification.

35           F. "Women owned business enterprise" is a business  
36 owned and controlled by women and-is-a-small-business-concern

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1 (1) which is at least 51 percent owned by one or more women or,  
2 in the case of any publicly owned business, at least 51 percent  
3 of the stock of which is owned by one or more women, and (2)  
4 whose management and daily business operations are controlled by  
5 one or more of such individuals.

6 CHAPTER 7869

7 MINNESOTA RACING COMMISSION

8 GENERAL DEFINITIONS

9 7869.0100 DEFINITIONS.

10 Subpart 1. Scope. For the purpose of chapters 7869 to  
11 7899, the following terms have the meaning given them unless  
12 another intention clearly appears.

13 Subp. 2. Actual favorite. "Actual favorite" means a horse  
14 that has the lowest win odds as determined by the most amount of  
15 money wagered on that horse to win.

16 Subp. 3. Added money. "Added money" means the amount an  
17 association adds to the nominating and starting fees in a race.

18 Subp. 4. Age. "Age" means the age of a horse as computed  
19 from the first day of January in the year in which the horse is  
20 foaled.

21 Subp. 5. Allowance. "Allowance" means a specified amount  
22 of weight that may be subtracted from a ~~horse~~ horse's starting  
23 weight based upon that horse's past performance, money won, or  
24 sex, or apprentice jockey as they relate to the conditions of a  
25 race.

26 Subp. 6. Also-eligible. "Also-eligible" means a horse  
27 officially entered and appearing on the overnight sheet, but not  
28 permitted to start unless the field is reduced by scratches at  
29 scratch time below a specified number.

30 Subp. 7. Association. "Association" means the holder of a  
31 Class B or D license.

32 Subp. 8. Authorized agent. "Authorized agent" means a  
33 person duly appointed by an owner or trainer to act on their  
34 behalf in racing matters.

35 Subp. 9. Break. "Break" means the act of a harness horse  
36 altering either its pacing or trotting stride.

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1 Subp. 10. Breeder. "Breeder" of a thoroughbred horse  
2 means the owner of the dam at the time of foaling.

3 Subp. 11. Breeding place. "Breeding place" means the  
4 place of birth of a horse.

5 Subp. 12. Claim. "Claim" means the act of attempting to  
6 purchase a horse from a claiming race.

7 Subp. 13. Claiming authorization. "Claiming authorization"  
8 means approval granted by the commission to a person that is not  
9 licensed as an owner to claim a horse from a claiming race.

10 Subp. 14. Commission. "Commission" means the Minnesota  
11 Racing Commission.

12 Subp. 15. Commission veterinarian. "Commission  
13 veterinarian" means the medical officer appointed by the  
14 commission pursuant to Minnesota Statutes, section 240.04,  
15 subdivision 4.

16 Subp. 16. Condition book. "Condition book" means the  
17 publication issued by the association and approved by the  
18 commission advertising races for upcoming racing days.

19 Subp. 17. Coupled. "Coupled" means two or more horses  
20 grouped together for wagering purposes.

21 Subp. 18. Course. "Course" means the track over which  
22 horses race.

23 Subp. 19. Day. "Day" means 24 hours ending at midnight.

24 Subp. 20. Dead heat. "Dead heat" means two or more horses  
25 crossing the finish line at exactly the same time.

26 Subp. 21. Declaration. "Declaration" means the act of  
27 withdrawing an entered horse from a race.

28 Subp. 22. Disqualification. "Disqualification" means an  
29 order of the stewards or commission which revises the order of  
30 finish in a race.

31 Subp. 23. Entrance fee. "Entrance fee" means a fee set by  
32 the association which must be paid in order to make a horse  
33 eligible for a stakes race.

34 Subp. 24. Entry. "Entry" means, according to its context,  
35 either:

36 A. the act of entering a horse to race;

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1 B. a horse eligible and entered in a race; or

2 C. two or more horses that are entered in a race and  
3 are owned in whole or in part by the same owner, or are trained  
4 by a trainer who owns any interest in any of the other horses in  
5 the race, and which are coupled for wagering purposes.

6 Subp. 25. **Equipment.** "Equipment," as applied to a horse,  
7 means whips, blinkers, tongue straps, muzzles, hoods, nose  
8 bands, shadow rolls, martingales, breast plates, bandages,  
9 boots, plates (shoes), sulkies, head poles, and all other  
10 paraphernalia that is or might be used on or attached to a horse  
11 while racing.

12 Subp. 26. **Field.** "Field" means, according to its context,  
13 either:

14 A. the entire group of horses in a race; or

15 B. the highest numbered horse within the capacity of  
16 the totalizator, and all horses of a higher number grouped  
17 together for wagering purposes.

18 Subp. 27. **Fine.** "Fine" means the imposition of a monetary  
19 penalty upon a license holder by the stewards or commission.

20 Subp. 28. **Foul.** "Foul" means any action by a horse or,  
21 jockey, or driver which interferes with another horse or, jockey  
22 , or driver in the running of a race.

23 Subp. 29. **Gait.** "Gait" means any of the ways a horse may  
24 move by lifting the feet in different order or rhythm, and  
25 specifically in harness racing, trotting, or pacing.

26 Subp. 30. **Grounds.** "Grounds" mean the entire area used by  
27 the association to conduct a race meeting, including the track,  
28 grandstand, stables, concession areas, and parking facilities.

29 Subp. 31. **Heat.** "Heat" means one of a number of races  
30 events to determine the ultimate winner of an-event a race.

31 Subp. 32. **Horse.** "Horse" includes filly, mare, colt,  
32 horse, gelding, and ridgling.

33 Subp. 33. **Lapped on break.** "Lapped on break" means a  
34 harness horse that is breaking stride at the finish line and is  
35 even with an opponent, or the breaking horse's nose is at least  
36 opposite its opponent's hind quarters.

1 Subp. 34. Maiden. "Maiden" means a horse which at the  
2 time of starting has never won a race, on the flat in any  
3 country on a recognized racetrack, or that has been disqualified  
4 after finishing first.

5 Subp. 35. Meeting. "Meeting" means the entire period for  
6 which a license to conduct racing has been granted to any  
7 association by the commission.

8 Subp. 36. Morning line. "Morning line" means the  
9 projected approximate win odds of each horse printed in the  
10 official program prior to wagering.

11 Subp. 37. Nerved. "Nerved" means any procedure whereby  
12 any nerve or nerves of a horse have been removed or desensitized.

13 Subp. 38. Nominating fee. "Nominating fee" means an  
14 amount set by the association which must be paid in order to  
15 make a horse eligible for a stakes race.

16 Subp. 39. Nomination. "Nomination" means the naming of a  
17 horse or its foal in utero to compete in a specific race or  
18 series of races, eligibility for which may be conditional upon  
19 the payment of a fee at the time of naming.

20 Subp. 40. Nominator. "Nominator" means the person in  
21 whose name a horse is nominated for a stakes race or handicap  
22 race.

23 Subp. 41. Official. "Official" means the act of the  
24 stewards declaring the results of the race final and authorizing  
25 winnings to be paid out.

26 Subp. 42. Owner. "Owner" means any person or entity  
27 possessing all or part of the legal title to a horse.

28 Subp. 43. Photo-finish. "Photo-finish" means the  
29 equipment and cameras used to aid the placing judges in  
30 determining the exact order of finish in a race.

31 Subp. 44. Place. "Place" means either the position in  
32 which a horse finishes a race or more specifically, finishing  
33 second in a race.

34 Subp. 45. Pool. "Pool" means the total amount of money  
35 bet in each form of pari-mutuel wagering.

36 Subp. 46. Post position. "Post position" means the

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1 starting position assigned to a horse for a race.

2 Subp. 47. Post time. "Post time" means the time set for  
3 the arrival of horses at the starting point in a race.

4 Subp. 48. Program. "Program" means, according to its  
5 context, either:

6 A. an entire ~~days~~ day's racing schedule; or

7 B. the official publication of a day's races.

8 Subp. 49. Purse. "Purse" means the amount of money to be  
9 paid the participants of a race.

10 Subp. 50. Qualifying list. "Qualifying list" means the  
11 tabulation compiled by the stewards of horses that must perform  
12 in qualifying races before being eligible to be entered.

13 Subp. 51. Race. "Race" means a contest among horses for  
14 purse, stakes, premium, or wager for money, run in the presence  
15 of racing officials of the association and the commission. The  
16 following are categories of races:

17 A. "Allowance race" means a race, other than  
18 claiming, in which certain conditions are drafted.

19 B. "Claiming race" means a race in which any horse  
20 entered may be purchased in conformity with the rules of the  
21 commission.

22 C. "Conditioned race" means an overnight event to  
23 which eligibility is determined according to specified  
24 qualifications.

25 D. "Handicap race" means:

26 (1) in thoroughbred and or quarter horse racing a  
27 race in which weights to be carried by the entered horses are  
28 adjusted by a handicapper for the purpose of equalizing their  
29 respective chances of winning; or

30 (2) in harness racing the assignment of post  
31 positions of entered horses for the purpose of equalizing their  
32 respective chances of winning.

33 E. "Invitational race" means a race restricted to  
34 horses asked to race by the racing-secretary association.

35 F. "Matinee race" means a race where an entrance fee  
36 may be charged and where the premiums, if any, are other than

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1 money.

2 G. "Match race" means a race between two or more  
3 horses, each the property of different owners, on terms agreed  
4 upon by the owners, and approved by the commission.

5 H. "Overnight race" means a race for which entries  
6 close 96 hours or less before the time set for the first race of  
7 the day on which the races are to be run.

8 I. "Purse race" means a race for money or other prize  
9 to which the owners of the horses engaged in the race do not  
10 contribute an entry fee.

11 J. "Quarter horse race" means a race on the flat at  
12 870 yards or less.

13 K. "Race on the flat" means a race over a course in  
14 which no jumps or other obstacles are placed.

15 L. "Restricted race" means a race required pursuant  
16 to Minnesota Statutes, section 240.29.

17 M. "Stakes races race" or "sweepstakes race" means a  
18 race to which nominators of the engaged entries contribute to a  
19 purse, and to which money or any other award may be added. No  
20 overnight race, regardless of its conditions, may be deemed a  
21 stakes race.

22 Subp. 52. Recall. "Recall" means the starter declaring  
23 that the field be assembled for a restart prior to the word "go"  
24 being given.

25 Subp. 53. Recognized racetrack. "Recognized racetrack"  
26 means a racetrack where pari-mutuel wagering is authorized by  
27 law, or which is recognized by the American Quarter Horse  
28 Association.

29 Subp. 54. Ruled off. "Ruled off" means the act of barring  
30 a licensee from the grounds of an association and denying the  
31 licensee all racing privileges.

32 Subp. 55. Scratch. "Scratch" means the act of withdrawing  
33 an entered horse from a race.

34 Subp. 56. Scratch time. "Scratch time" means the time set  
35 by the association for the closing of applications requesting  
36 permission of the stewards to withdraw from a race.

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1 Subp. 57. Simulcast. "Simulcast" means a televised race  
2 transmitted or received by an association on a racing day when  
3 pari-mutuel wagering is conducted.

4 Subp. 58. Start. "Start" means the beginning of an  
5 officially recognized race.

6 Subp. 59. Starter. "Starter" means, according to its  
7 context, either:

8 A. a horse whose stall door of the starting gate  
9 opens in front of it at the time all of the horses are  
10 dispatched in a race; or

11 B. the official whose duty it is to give the starting  
12 signal at the beginning of a race.

13 Subp. 60. Starter's schooling list. "Starter's schooling  
14 list" means a tabulation of horses compiled by the starter that  
15 are ineligible to be entered until they have demonstrated their  
16 ability to the starter that they are capable of performing in a  
17 satisfactory manner at the starting gate.

18 Subp. 61. Starting fee. "Starting fee" means a charge an  
19 amount, specified by the conditions of the race and set by the  
20 association, that must be paid in order to start in a race.

21 Subp. 62. Stewards' list. "Stewards' list" means a  
22 tabulation of horses compiled by the stewards of horses who that  
23 are ineligible to race due to poor performance, ownership by a  
24 suspended or nonlicensed person, or for other reasons that might  
25 affect the integrity or welfare of racing.

26 Subp. 63. Supplemental fee. "Supplemental fee" means a  
27 fee set by the association that must be paid at a prescribed  
28 time to make a horse eligible for a stakes race.

29 Subp. 64. Suspended. "Suspended" means that all  
30 privileges granted by the commission are temporarily withdrawn.

31 Subp. 65. Sustaining fees. "Sustaining fees" mean fees  
32 which must be paid periodically, as prescribed by the conditions  
33 of the race, in order to keep a horse eligible for that race.

34 Subp. 66. Totalizator. "Totalizator" means the system by  
35 which all pari-mutuel activity including selling and cashing of  
36 tickets, calculation of odds and payoffs, and displaying of

1 pari-mutuel information is accomplished.

2 Subp. 67. Track. "Track" means the course over which  
3 races take place.

4 Subp. 68. USTA. "USTA" means the United States Trotting  
5 Association.

6 Subp. 69. Walkover. "Walkover" means a race in which  
7 there are not two or more horses of separate interest sent  
8 postward.

9 CHAPTER 7872

10 MINNESOTA RACING COMMISSION

11 ASSIGNMENT OF RACING DAYS

12 7872.0100 APPLICATION FOR RACING DAYS.

13 Subpart 1. Submission of racing days requests. On or  
14 before May 15 of any year, a Class B or Class D licensee may  
15 apply for an assignment of racing days for the next three  
16 calendar years by submitting an original and 15 copies of the  
17 following:

18 A. a signed request for assignment of racing days;

19 B. a statement of the precise nature and extent of  
20 the assignment requested, including dates, breeds of horses,  
21 number of races per program, types of races, purses, and hours  
22 of racing;

23 C. a detailed statement of how the request meets each  
24 of the criteria in part 7872.0110; and

25 D. any other documentation the licensee deems  
26 necessary to ensure a complete understanding of the request.

27 Subp. 2. Disposition of racing days requests. The  
28 commission must act on a request for assignment of racing days  
29 pursuant to the following procedures:

30 A. Upon receipt of an application, the commission  
31 shall send written notice of the application to all persons  
32 registered with the commission for the purpose of notification  
33 of rulemaking-proceedings-or assignments of racing days and all  
34 other Class B and D licensees. The notice must include a brief  
35 description of the request, a statement that all persons wishing  
36 to comment may do so in writing within 20 days after issuance of

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1 the notice, the time and place of a public hearing on the  
2 application, and the earliest and latest date on which the  
3 commission may act.

4 B. The commission shall conduct a public hearing on  
5 the request no sooner than 25 nor later than 30 days after an  
6 application is filed. The commission shall issue a press  
7 release no later than five days after an application is filed  
8 announcing the filing and the time and place of the public  
9 hearing.

10 C. If, after an application is filed, the commission  
11 determines that additional information from the applicant is  
12 necessary to fully consider the request, the commission must  
13 direct the applicant to submit the additional data.

14 D. If the commission further determines it necessary  
15 to fully understand an application, the commission shall request  
16 the applicant or a person submitting comments to appear before  
17 the commission. The commission shall request the appearance in  
18 writing at least five days in advance.

19 E. If an applicant fails to comply with subpart 1 and  
20 this subpart, the commission shall deny the request.

21 F. Within 30 days after action on an application,  
22 the commission shall submit in writing to the applicant and  
23 persons who submitted written comments the reasons why-the  
24 ~~commission-approved-or-denied-the-request~~ for its action.

25 Subp. 3. Revision of racing days. A holder of a Class B  
26 or D license may apply for, or the commission on its own motion  
27 may make, a revision of an assignment of racing days as provided  
28 in Minnesota Statutes, section 240.14, subdivision 2, paragraph  
29 (b), except that the commission shall perform the duties imposed  
30 on an applicant as provided in this part.

31 Subp. 4. Recission of racing days. The commission on its  
32 own motion may rescind one or more racing days assigned to a  
33 licensee as provided in Minnesota Statutes, section 240.14,  
34 subdivision 4, if the commission determines the licensee has not  
35 or will not meet the terms of the license. Any days rescinded  
36 may be reassigned to another licensee.

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1 Subp. 5. Licenses after July 1. If a Class B or D license  
 2 is issued after July 1 of any year, the commission upon  
 3 application may approve an assignment of racing days to the  
 4 licensee as provided in Minnesota Statutes, section 240.14,  
 5 subdivision 1, except that the application must have been filed  
 6 no later than the time of application for the license.

7 7872.0110 ASSIGNMENT OF RACING DAYS.

8 Subpart 1. Request. Upon the written request of a Class B  
 9 or D licensee, the commission shall assign racing days,  
 10 including maximum number of days of racing per year, months and  
 11 weeks during which racing may be conducted, days on which racing  
 12 may be conducted, dark days, types of racing, maximum number of  
 13 races per program, hours of racing, period of time between race  
 14 meetings and other issues related to Minnesota Statutes, chapter  
 15 240, and the rules of the commission.

16 Subp. 2. Basis for assignment of racing days. When  
 17 considering a request for assignment of racing days, the  
 18 ~~commissioner~~ commission must consider the success and integrity  
 19 of racing; the public health, safety, and welfare; public  
 20 interest, necessity, and convenience; as well as the following  
 21 factors:

22 A. the integrity of the licensee;

23 B. the financial strength of the licensee;

24 C. the ability of the licensee to conduct horse  
 25 racing, including licensee's facilities, systems, policymakers,  
 26 managers, and personnel;

27 D. past compliance of the licensee with statutes,  
 28 rules, and orders regarding pari-mutuel horse racing;

29 E. the licensee's market, including area, population,  
 30 and demographics;

31 F. the performance of the racetrack with previously  
 32 assigned dates;

33 G. the impact of the assignment of racing days on the  
 34 economic viability of the racetrack, including attendance and  
 35 pari-mutuel handle;

36 H. the quantity and quality of economic activity and



1 employment generated;

2 I. state tax revenues from racing and related

3 economic activity;

4 J. the entertainment and recreation opportunities for

5 Minnesota citizens;

6 K. the variety of racing;

7 L. the quality of racing;

8 M. the availability and quality of horses;

9 N. the development of horse racing;

10 O. the quality of racetrack facilities;

11 P. security;

12 Q. purses;

13 R. benefits to Minnesota breeders and horse owners;

14 S. stability in racing dates;

15 T. competition among racetracks and with other

16 providers of entertainment and recreation as well as its effects;

17 U. the social effects;

18 V. ecology;

19 W. community and government support;

20 X. sentiment of horsepersons; and

21 Y. any other factors related to assignment of racing

22 days which the commission deems crucial to its decision-making

23 as long as the same factors are considered with regard to all

24 requests.

25 CHAPTER 7873

26 MINNESOTA RACING COMMISSION

27 PARI-MUTUEL RULES

28 7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

29 Subpart 1. Submission of pari-mutuel requests. A Class B

30 or D licensee may apply for approval of a pari-mutuel ~~pool~~ pools

31 by submitting an original and 15 copies of the following:

32 A. a signed request for approval of pari-mutuel ~~pool~~

33 pools;

34 B. a statement of the precise nature and extent of

35 the ~~pool~~ pools requested, including type of betting and

36 placement in racing programs;

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1 C. a detailed statement of how the request meets each  
2 of the criteria in part 7873.0110, subpart 1 2; and

3 D. any other documentation the licensee deems  
4 necessary to ensure a complete understanding of the request.

5 Subp. 2. Disposition of requests. The commission must act  
6 on a request for approval of a pari-mutuel pool pool pursuant  
7 to the following procedures:

8 A. Upon receipt of an application, the commission  
9 shall send written notice of the application to all persons  
10 registered with the commission for the purpose of notification  
11 of rulemaking-proceedings-or approval of pari-mutuel pools, and  
12 all other Class B and D licensees. The notice must include a  
13 brief description of the request, a statement that all persons  
14 wishing to comment may do so in writing within 20 days after  
15 issuance of the notice, the time and place of any public hearing  
16 on the application, and the earliest and latest date on which  
17 the commission may act.

18 ~~B. The commission may conduct a public hearing on the~~  
19 ~~request no sooner than 25 nor later than 30 days after an~~  
20 ~~application is filed. The commission shall issue a press~~  
21 ~~release no later than five days after an application is filed~~  
22 ~~announcing the filing and the time and place of any public~~  
23 ~~hearing.~~

24 ~~E. B.~~ If, after an application is filed, the  
25 commission determines that additional information from the  
26 applicant is necessary to fully consider the request, the  
27 commission shall direct the applicant to submit the additional  
28 data.

29 ~~D. C.~~ If the commission further determines it  
30 necessary to fully understand an application, the commission  
31 shall request the applicant or a person submitting comments to  
32 appear before the commission. The commission shall request the  
33 appearance in writing at least five days in advance.

34 ~~E. D.~~ If an applicant fails to comply with subpart 1  
35 and this subpart, the commission shall deny the request.

36 ~~F. E.~~ The commission shall approve ~~or~~, deny, or give

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1 its qualified approval to an application for approval of a  
 2 pari-mutuel pool pools not sooner than 30 nor later than 45 days  
 3 after filing of the application.

4 G. F. Within 30 days after action on an application,  
 5 the commission shall submit in writing to the applicant and  
 6 persons who submitted written comments the reasons why the  
 7 commission approved or denied the request for its action.

8 Subp. 3. Motion of commission. The commission on its own  
 9 motion may designate pari-mutuel pools as provided in Minnesota  
 10 Statutes, section 240.13, subdivision 3, except that the  
 11 commission shall perform the duties imposed on an applicant by  
 12 subpart 1.

13 7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

14 Subpart 1. Request. Upon written request of a Class B or  
 15 D licensee, or on its own motion, the commission may approve  
 16 pari-mutuel pools, including types of betting, number and  
 17 placement of exotics multiple pools in racing programs, and  
 18 other issues related to pari-mutuel pools which promote the  
 19 purposes of Minnesota Statutes, chapter 240, and the rules of  
 20 the commission.

21 Subp. 2. Basis for approving pari-mutuel pools. When  
 22 considering a request for approval of pari-mutuel pools, the  
 23 commission must consider the success and integrity of racing;  
 24 the public health, safety, and welfare; public interest,  
 25 necessity, and convenience; as well as the following factors:

- 26 A. the integrity of the licensee;
- 27 B. the financial strength of the licensee;
- 28 C. the ability of the licensee to operate a racetrack  
 29 and conduct horse racing, including licensee's facilities,  
 30 systems, policymakers, managers, and personnel;
- 31 D. past compliance of the licensee with statutes,  
 32 rules, and orders regarding pari-mutuel horse racing;
- 33 E. the licensee's market, including area, population,  
 34 and demographics;
- 35 F. the performance of the racetrack with previously  
 36 approved pari-mutuel pools;

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1 G. the impact approving the pari-mutuel pool will  
 2 have on the economic viability of the racetrack, including  
 3 attendance and pari-mutuel handle;

4 H. the quantity and quality of economic activity and  
 5 employment generated;

6 I. state tax revenues from racing and related  
 7 economic activity;

8 J. the entertainment and recreation opportunities for  
 9 Minnesota citizens;

10 K. the variety of racing;

11 L. the quality of racing;

12 M. the availability and quality of horses;

13 N. the development of horse racing;

14 O. the quality of racetrack facilities;

15 P. security;

16 Q. purses;

17 R. benefits to Minnesota breeders and horse owners;

18 S. competition among racetracks and with other  
 19 providers of entertainment and recreation as well as its effects;

20 T. the social effects;

21 U. community and government support;

22 V. sentiment of horsepersons; and

23 W. any factors related to pari-mutuel pools which the  
 24 commission deems crucial to its decision-making, as long as the  
 25 same factors are considered with regard to all racetracks.

26 Subp. 3. Limitation on pari-mutuel pools. The commission  
 27 shall not approve a pari-mutuel pool in which a participant is  
 28 required to select more than two horses in any race.

29 7873.0120 PARI-MUTUEL BETTING.

30 In the event there is insufficient money available in a net  
 31 pari-mutuel pool to return \$2.10 on each winning \$2 wager, the  
 32 association conducting the pari-mutuel betting shall pay the  
 33 deficiency from its share of the pool.

34 7873.0125 CALCULATION OF PAYOFFS.

35 Subpart 1. No money wagered on horse to win. If a horse

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1 wins and there is no money wagered on it to win, the win pool  
2 shall be apportioned among the holders of place tickets on that  
3 horse, if any; otherwise among holders of the show tickets on  
4 that horse.

5 Subp. 2. No money wagered on horse to place. If no money  
6 has been wagered to place on a horse which is placed first or  
7 second in a race, the place pool for that race shall be  
8 apportioned among the holders of the place tickets on the other  
9 horse which was placed first or second.

10 Subp. 3. No money wagered on horse to show. If no money  
11 has been wagered to show on a horse which has placed first,  
12 second, or third in a race, the show pool in that race shall be  
13 apportioned among the holders of show tickets on the other  
14 horses which are placed first, second, or third in that race.

15 Subp. 4. Failure of horses to finish in pools. If only  
16 two horses finish in any one race, the show pool shall be  
17 figured the same as the place pool and the money apportioned to  
18 holders of show tickets on the two finishing horses. If only  
19 one horse finishes in any one race, all three pools shall be  
20 figured separately as straight holders of the finishing horse.  
21 If no horse finishes the race, then the entire amount wagered in  
22 all pools shall be refunded to all ticket holders.

23 Subp. 5. Dead heats. If two horses finish in a dead heat  
24 for:

25 A. first, the pay-off price shall be figured as in a  
26 place pool;

27 B. second, the winner of the race receives its half  
28 share of the profits in that pool, and each of the two horses  
29 that dead heats for second receives one-half of the remaining  
30 half of the profits; or

31 C. third, the first and second horses each receive a  
32 normal one-third of the profits in that pool; and the two horses  
33 that dead heat for third, each receives one-half of the  
34 remaining third of the profits.

35 Subp. 6. Coupled entry finishing in the money. If two  
36 horses coupled in the betting as an "entry" or the "field"

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1 finish first and second, first and third, or second and third,  
2 the division of the net show pool shall be as follows:  
3 two-thirds of the net show pool shall be allotted to the pool of  
4 the entry and the remaining one-third to the other horse.

5 Subp. 7. Coupled entry in dead heat finishing in the  
6 money. If one horse of an entry or field finishes first or  
7 second and the other part of the same entry or field finishes in  
8 a dead heat for third with another horse, the division of the  
9 net show pool shall be as follows: one-half of the pool to the  
10 entry, one-third to the other first or second place finisher,  
11 and one-sixth to the horse finishing in the dead heat.

12 Subp. 8. Field or entry finishing first, second, and  
13 third. If the coupled entry or field horses finishes first,  
14 second, and third, the money in each pool goes to the entry or  
15 field tickets, no other tickets participating.

16 7873.0130 PREVENTION TO START.

17 In a thoroughbred or quarter horse race, if the doors in  
18 front of a stall in a mechanically or electronically operated  
19 starting gate should fail to open simultaneously with the other  
20 stall doors, thereby preventing a horse from obtaining a fair  
21 start when the starter dispatches the field, the following shall  
22 apply:

23 A. If any horse is so prevented from starting, the  
24 entire amount in the win, place, and show pools wagered on that  
25 horse shall be promptly refunded unless the horse finishes  
26 first, second, or third, in which case the horse shall be  
27 considered a starter for all pools in which the horse earned a  
28 placing and a non-starter in all other pools. However, there  
29 shall be no refund if the horse is part of a coupled entry or  
30 field.

31 B. In races on which multiple wagering is permitted,  
32 except on the second half of the daily double or pick six, if a  
33 horse is so prevented from starting, the entire amount wagered  
34 on any combination including that horse shall be promptly  
35 refunded.

1 7873.0140 FAILURE TO START.

2 In the event of horses failing to start, the following  
3 shall apply:

4 A. If fewer than five horses in different betting  
5 interests leave the stalls, the entire amount wagered in the  
6 show pool shall be promptly refunded.

7 B. If fewer than four horses in different betting  
8 interests leave the stalls, the entire amount wagered in the  
9 place and show pools shall be promptly refunded.

10 C. If fewer than two horses leave the stalls, the  
11 entire amount wagered to in the win, place, and show pools shall  
12 be promptly refunded.

13 7873.0150 SCRATCHES.

14 For all wagers other than the daily double or pick six, a  
15 refund at face value shall be made to all holders of pari-mutuel  
16 tickets on horses that have been withdrawn, dismissed, or have  
17 participated in a race in which no horse finished. No refund  
18 shall be made if the scratched, withdrawn, or dismissed horse is  
19 part of a coupled entry or field.

20 7873.0160 DAILY DOUBLE.

21 Subpart 1. Scope. The daily double wager combines two  
22 horses in two successive races, selecting the horses which will  
23 finish first in the official order of finish of each of the two  
24 races. The first of these races is designated as the first half  
25 of the daily double and the subsequent race the second half.  
26 All daily double wagers must be calculated in an entirely  
27 separate pool.

28 Subp. 2. No winning combinations sold. The following  
29 calculations shall be used when no winning daily double  
30 combinations are sold:

31 A. If no winning combination is sold, the total money  
32 is computed as a place pool with those who have picked the  
33 winner of the first half and those who have picked the winner of  
34 the second half participating in the pool.

35 B. If no ticket is sold on the winner of ~~the second~~

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1 half, the entire pool is apportioned to holders of the tickets  
2 on the winner of the first half.

3 C. If no ticket is sold on the winner of the first  
4 half, the entire pool is apportioned to the holders of tickets  
5 on the winner of the second half participating in the pool.

6 D. If no tickets are sold containing the numbers of  
7 either winner, the pool shall be allotted to those having  
8 tickets on horses finishing next to the winners.

9 Subp. 3. Dead heats. If a dead heat should result in the  
10 first or second race of the daily double, the total pool is  
11 figured as a place pool.

12 Subp. 4. Scratches from daily double before first half is  
13 run. Should any horse or horses entered in the first or second  
14 half of the daily double be scratched, excused by the stewards,  
15 or prevented from racing before the first half of the daily  
16 double has been run, the money wagered on any horse or horses so  
17 scratched, excused, or prevented from racing shall be deducted  
18 from the daily double pool and refunded to the purchaser or  
19 purchasers of tickets on the horse or horses so scratched,  
20 excused, or prevented from racing.

21 Subp. 5. Scratches in second half to result in consolation  
22 pool. Should any horse be scratched, excused, or prevented from  
23 racing in the second half of the daily double, after the first  
24 half is official, all tickets combining the scratched horse with  
25 winner of first half of the daily double shall become  
26 consolation tickets and shall be paid a price per dollar  
27 denomination calculated as follows: The net daily double pool  
28 shall be divided by the total purchase price of all tickets  
29 combining the winner of the first half, and the quotient thus  
30 obtained shall be the price to be paid to holders of tickets  
31 combining the winner of the first half and the scratched or  
32 excused horse of horses in the second half. The entire  
33 consolation pool (number of eligible tickets times the  
34 consolation price) shall be deducted from the net daily double  
35 pool.

36 Subp. 6. Announcement of payoff prices. The possible

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1 payoff prices shall be posted or announced to the public before  
2 the start of the second half of the daily double.

3 7873.0170 QUINELLA.

4 Subpart 1. Scope. The winning quinella combination shall  
5 be the first two horses of separate betting interests to finish  
6 the race. The order in which the horses finish is immaterial.  
7 All tickets on the quinella must be calculated in an entirely  
8 separate pool.

9 Subp. 2. No winning combinations sold. The following  
10 calculations shall be used when no winning quinella combinations  
11 are sold:

12 A. If there are no tickets sold on the winning  
13 combinations in a quinella race, all quinella tickets bearing  
14 the number of the individual win horse and all quinella tickets  
15 bearing the number of the individual place horse shall be deemed  
16 winning tickets and the payoff shall be calculated as a place  
17 pool.

18 B. If there are no tickets sold on the winning  
19 combination in a quinella race and if there are no quinella  
20 tickets sold with the number of the individual win horse, all  
21 quinella tickets bearing the number of the individual place  
22 horse shall be deemed winning tickets and the payoff shall be  
23 calculated as a win pool.

24 C. If there are no tickets sold on the winning  
25 combination in a quinella race and if there are no quinella  
26 tickets sold bearing the number of the individual place horse,  
27 all quinella tickets bearing the number of the individual win  
28 horse shall be deemed winning tickets and the payoff shall be  
29 calculated as a win pool.

30 D. If there are no tickets sold on the winning  
31 combinations in a quinella race and if there are no quinella  
32 tickets sold bearing the number of the individual win horse and  
33 if there are no quinella tickets sold bearing the number of the  
34 individual place horse, the quinella shall be deemed "no race"  
35 and all money in the quinella pool shall be promptly refunded.

36 Subp. 3. If only one horse finishes, race declared "no

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1 race." If only one horse finishes in a quinella race, the  
2 quinella shall be deemed "no race" and all money in the quinella  
3 pool shall be promptly refunded.

4 Subp. 4. Dead heats. The following calculations shall be  
5 used in the event of dead heats.

6 A. If there is a two horse dead heat for win in a  
7 quinella race, the two horses involved in the dead heat shall be  
8 the winning quinella combination.

9 B. If a multiple dead heat for win results, all  
10 horses involved in the dead heat shall be the winning  
11 combinations. Example: if numbers 1, 3, 5, and 7 dead heat for  
12 win, the winning quinella combinations would be 1-3, 1-5, 1-7,  
13 3-5, 3-7, and 5-7. The net pool, after deducting the amounts  
14 wagered on the winning combinations will be equally distributed  
15 in payoff calculations on the winning combinations.

16 C. If there is a two horse dead heat for place in a  
17 quinella race, the total pool is calculated as a place pool.

18 D. If a multiple dead heat for place results in a  
19 quinella race, all combinations coupling the winning horse with  
20 the individual place horses shall be winners of the quinella  
21 race and payoffs calculated accordingly.

22 7873.0180 PERFECTA OR EXACTA.

23 Subpart 1. Scope. A perfecta or exacta wager combines two  
24 horses of separate betting interests in a single race, selecting  
25 the horse which will finish first and the horse which will  
26 finish second in that race in the official order of finish. All  
27 perfecta or exacta wagers must be calculated in a separate pool.

28 Subp. 2. No winning combination sold. If no ticket is  
29 sold on the winning perfecta or exacta combination, the net pool  
30 shall be distributed equally among holders of tickets selecting  
31 the winning horse to finish first and holders of tickets  
32 selecting the second place horse to finish second.

33 Subp. 3. Dead heats. The following calculations shall be  
34 used in the event of dead heats.

35 A. In case of a dead heat between two horses for  
36 first place, the net pool shall be calculated and distributed as

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1 a place pool to holders of tickets of the winning combination.  
2 Example: if numbers 2 and 5 dead heat for win, the winning  
3 combination would be 2-5 and 5-2.

4 B. In case of a dead heat between two horses for  
5 second place, the pool shall be figured as a place pool, the  
6 holders of tickets combining the winning horse and the two  
7 horses finishing second participating in the payoff. Example:  
8 if number 2 wins with numbers 5 and 6 a dead heat for second,  
9 the winning combinations would be 2-5 and 2-6.

10 C. If there is a dead heat for second place, if no  
11 ticket is sold on one of the two winning combinations, the  
12 entire net pool shall be calculated as a win pool and  
13 distributed to those holding tickets on the other winning  
14 combination. Example: if number 2 won and numbers 5 and 6 were  
15 a dead heat for second, 2-5 and 2-6 would be the winning  
16 combination. However, if no ticket was sold with a 2-5  
17 combination, the net pool would be distributed to holders of the  
18 2-6 combination.

19 D. If no tickets combine the winning horse with  
20 either of the place horses in the dead heat, the pool shall be  
21 calculated and distributed as a place pool to holders of tickets  
22 representing any interest in the net pool. Example: if number  
23 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and  
24 2-6 would be the winning combinations. However, if no ticket  
25 was sold with the 2-5 or 2-6 combination, the net pool would be  
26 distributed to holders of any ticket with 2 in the win position  
27 as part of the combination with any other number (2-1, 2-3, 2-4,  
28 2-7, 2-8 of an eight horse field) and to holders of any ticket  
29 with 5 or 6 in the place position with any other number (1-5,  
30 3-5, 4-5, 6-5, 7-5, 8-5, 1-6, 3-6, 4-6, 5-6, 7-6, 8-6 of an  
31 eight horse field).

32 Subp. 4. Refund of pool. A refund of the perfecta or  
33 exacta pool shall occur when:

34 A. No ticket is sold that would require distribution  
35 of a perfecta or exacta pool to winners as defined in this part.

36 B. Only one horse finishes in a perfecta or exacta

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1 race.

2 7873.0190 PICK SIX.

3 Subpart 1. Scope. The pick six pari-mutuel pool is not a  
4 parlay and has no connection with or relation to any other  
5 pari-mutuel pool conducted by the association, nor to any win,  
6 place, and show pool shown on the totalisator, nor to the rules  
7 governing the distribution of such other pools.

8 Subp. 2. Ticket is evidence of binding contract. A pick  
9 six pari-mutuel ticket shall be evidence of a binding contract  
10 between the holder of the ticket and the association and the  
11 ticket shall constitute an acceptance of the pick six provisions  
12 and rules.

13 Subp. 3. Pick six may be given distinctive name. A pick  
14 six may be given a distinctive name by the association  
15 conducting the race meeting, subject to prior approval by the  
16 commission.

17 Subp. 4. Pick six pool. The pick six pari-mutuel pool  
18 consists of amounts contributed for a selection for win only in  
19 each of six races designated by the association with the  
20 approval of the commission. Each person purchasing a pick six  
21 ticket shall designate the winning horse in each of the six  
22 races comprising the pick six.

23 Subp. 5. Coupled entries and fields. Those horses  
24 constituting an entry of coupled horses, or those horses coupled  
25 to constitute the mutuel field in a race comprising the pick  
26 six, shall race as a single wagering interest for the purpose of  
27 the pick six pari-mutuel pool calculations and payouts to the  
28 public. However, if any part of either an entry or the field  
29 racing as a single wagering interest is a starter in a race the  
30 entry of or the field selection shall remain as the designated  
31 selection to win in that race for the pick six calculation and  
32 the selection shall not be deemed a scratch.

33 Subp. 6. Calculation of pool. The pick six pari-mutuel  
34 pool shall be calculated as follows:

35 A. One hundred percent of the net amount in the  
36 pari-mutuel pool subject to distribution among winning ticket

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1 holders shall be distributed among the holders of pari-mutuel  
2 tickets which correctly designate the official winner in each of  
3 the six races comprising the pick six.

4           B. In the event there is no pari-mutuel ticket  
5 properly issued which correctly designates the official winner  
6 in each of the six races comprising the pick six, 75 percent of  
7 the pari-mutuel pool shall not be distributed but shall be  
8 retained by the association as distributable amounts and shall  
9 be carried over and included in the pick six pari-mutuel pool  
10 for the next succeeding racing date as an additional net amount  
11 to be distributed. The remaining 25 percent shall be  
12 distributed among the holders of pick six tickets which  
13 correctly designate the most official winners of the six races  
14 comprising the pick six.

15           C. Should no distribution be made pursuant to item A  
16 on the last day of the association's meeting, then the entire  
17 distributable pool and all money accumulated in the pool shall  
18 be distributed to the holders of tickets correctly designating  
19 the most winning selections of the six races comprising the pick  
20 six for that day. If, for any reason, the final day of racing  
21 is canceled and the pick six pool has not been distributed, the  
22 pool shall be escrowed by the association, and the pool, as well  
23 as all accrued interest, shall be carried over and included in  
24 the pick six pari-mutuel pool for the next succeeding racing  
25 date of the same breed as an additional net amount to be  
26 distributed.

27           Subp. 7. **Actual favorite substituted for scratched horse.**  
28 In the event a pick six pari-mutuel ticket designates a  
29 selection in any one or more of the races comprising the pick  
30 six and that selection is scratched, excused, or determined by  
31 the stewards to be a nonstarter in the race, the actual  
32 favorite, as evidenced by the amounts wagered in the win pool at  
33 the time of the start of the race, will be substituted for the  
34 nonstarting selection for all purposes, including pool  
35 calculations and payoffs.

36           Subp. 8. **Dead heats.** In the event of a dead heat for win

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1 between two or more horses in any pick six race, all such horses  
2 in the dead heat for win shall be considered as winning horses  
3 in the race for the purpose of calculating the pool.

4 Subp. 9. Cancellation of race comprising pick six. In the  
5 event one or more of the races comprising the pick six is  
6 canceled for any reason, or in the event one or more of the  
7 races comprising the pick six is declared as no contest by the  
8 stewards, 75 percent of the pari-mutuel pool shall not be  
9 distributed but shall be retained by the association as  
10 distributable amounts and shall be carried over and included in  
11 the pick six pari-mutuel pool for the next succeeding racing  
12 date as an additional net amount to be distributed. The  
13 remaining 25 percent shall be distributed among the holders of  
14 pick six tickets which correctly designate the most official  
15 winners of the remaining races comprising the pick six.

16 Subp. 10. No pick six ticket to be exchanged or canceled.  
17 No pari-mutuel ticket for the pick six pool shall be sold,  
18 exchanged, or canceled after the time of the closing of wagering  
19 in the first of the six races comprising the pick six, except  
20 for the refunds on pick six tickets as required by this part,  
21 and no person shall disclose the number of tickets sold in the  
22 pick six pool or the number or amount of tickets selecting  
23 winners of pick six ~~each-day-to-be-official~~  races until such  
24  time as the stewards have declared "official" the last race  
25  comprising the pick six.

26 7873.0200 "OFFICIAL" SIGN.

27 Any ruling of the stewards with regard to the award of  
28 purse money made after the "official" sign has been posted shall  
29 have no bearing on the mutuel payoff.

30 7873.0210 LOST TICKETS.

31 No claims for lost pari-mutuel tickets shall be considered.

32 7873.0220 ALTERED OR MUTILATED TICKETS.

33 A mutilated or altered pari-mutuel ticket that is not  
34 easily identifiable as being a valid ticket shall not be  
35 accepted for payment.

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## 1 7873.0230 INFORMATION WINDOW.

2 Each association shall provide at least one information or  
3 complaint window where complaints may be made by members of the  
4 public. A current set of all commission rules regarding the  
5 conduct of pari-mutuel wagering shall be available for public  
6 inspection during racing hours at every such window.

## 7 7873.0240 TIP SHEETS.

8 Subpart 1. Number of tip sheets. Not less than two  
9 independently-handicapped tip sheets shall be available at a  
10 racetrack. Each handicapper must sign and deliver the sheet at  
11 least one hour before post time for the first race to a  
12 commission representative at the racetrack.

13 Subp. 2. Previous day's sheet to be posted. The previous  
14 race day's tip sheet sheets and its their outcome must be  
15 displayed in a conspicuous place within the grandstand area of  
16 the racetrack for inspection by patrons.

17 Subp. 3. Tip sheet vendors must be licensed. All persons  
18 holding a tip sheet concession at the racetrack must be approved  
19 and licensed as a vendor by the commission.

## 20 7873.0300 SIMULCAST WAGERING.

21 Subpart 1. Request. Upon written request of a Class B or  
22 Class D licensee (~~association~~), the commission may shall approve  
23 wagering on races televised to Minnesota from another licensed  
24 racing jurisdiction. The request must be made not less than  
25 seven days prior to the race to be televised. The request must  
26 be accompanied by a signed reciprocal agreement among the  
27 racetrack originating (hosting) the broadcast, the association  
28 representing the horsepersons at the host track, the Minnesota  
29 racetrack receiving the broadcast, and the association  
30 representing the horsepersons at the Minnesota racetrack  
31 receiving the broadcast.

32 Subp. 2. Approval. All approved simulcast races must be  
33 conducted at the licensed racetrack on a racing day assigned to  
34 an association by the commission. Racing must be conducted on  
35 that racing day pursuant to as defined by Minnesota Statutes,

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1 section ~~240-14~~ 240.01, subdivision 10.

2 Subp. 3. Pari-mutuel pools. All takeout and taxes on  
3 simulcast pari-mutuel pools must be in accordance with Minnesota  
4 Statutes, section 240.15, subdivision 1, paragraph (a).

5 Subp. 4. Purses. An amount equal to five percent of all  
6 pools on televised races must be set aside to be used for purses  
7 pursuant to Minnesota Statutes, section 240.13, subdivision 5.

8 Subp. 5. Compliance with laws. In addition to all state  
9 laws and applicable rules of the commission, simulcast wagering  
10 must be in compliance with United States Code, title 15, section  
11 3001, et seq.

12 7873.0400 TELEPHONE ACCOUNT WAGERING.

13 Subpart 1. Request. Upon written request of a Class B or  
14 Class D licensee (~~association~~), the commission may approve  
15 telephone account wagering to be conducted on the premises of a  
16 licensed racetrack. The request must show how the telephone  
17 account wagering system will promote the success and integrity  
18 of racing, public interest, necessity, and convenience; and the  
19 impact on the economic viability of the applicant racetrack and  
20 all other racetracks licensed by the commission, including  
21 impact on pari-mutuel handle.

22 Subp. 2. Requirements. The association must meet the  
23 following requirements prior to conducting telephone account  
24 wagering:

25 A. A Minnesota-only "800" telephone system must be  
26 installed to receive wagers. No wagers may be accepted except  
27 by use of the required "800" telephone system.

28 B. The Minnesota-only "800" telephone system must be  
29 capable of recording all conversations and transactions  
30 conducted. The recording device must be used at all times when  
31 calls are received, and all recordings must be kept for a period  
32 of no less than 90 days for inspection by the commission.

33 C. Employees of the association receiving telephone  
34 account wagers must be holders of a current Class C pari-mutuel  
35 license issued by the commission.

36 D. The association must use a totalizator system

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1 capable of recording all transactions conducted by the telephone  
2 account wagering system.

3 Subp. 3. Conduct of telephone account wagering. Telephone  
4 account wagering shall be conducted in the following manner:

5 A. A person desiring to open a telephone wagering  
6 account must:

7 (1) be 18 years old or older and provide proof of  
8 identification and age;

9 (2) deposit with the association no less than  
10 \$100 in cash or by certified check or money order; and

11 (3) obtain a code number and code name assigned  
12 by the association.

13 B. All wagering transactions must begin with the  
14 customer stating his or her code name and number. Thereafter,  
15 transactions shall be identified by the race number, the types  
16 and amounts of wagers, and by horse numbers. The information  
17 must be repeated by the pari-mutuel clerk and the customer's  
18 account balance must be given to the customer after each  
19 transaction.

20 C. The total amount of all telephone account wagers  
21 shall be included in the respective pools for each race. The  
22 amount wagered from individual accounts shall be debited  
23 accordingly, and any winnings shall be automatically credited to  
24 such accounts upon the race being declared "official."

25 D. Actual race results may not be divulged to  
26 telephone account customers during racing hours; however,  
27 account balances may be given.

28 Subp. 4. Reports to be filed. Each association conducting  
29 telephone account wagering must provide complete reports to the  
30 commission on a weekly basis. The reports must include a record  
31 of all debits, credits, balances, and any complaints received  
32 and the disposition of such complaints.

33 Subp. 5. Compliance with rules. Telephone account  
34 wagering shall be conducted in compliance with all state and  
35 federal laws and other applicable rules of the commission.

36

## 1 MINNESOTA RACING COMMISSION

## 2 FACILITIES AND EQUIPMENT

## 3 7875.0100 FACILITIES.

4 Subpart 1. Facilities. Each association must include a  
 5 receiving barn, detention facility, paddock, room for jockeys  
 6 and drivers, lighting, ~~stalling~~ stabling, restrooms, medical  
 7 facilities, racing officials' space, viewing room, commission  
 8 office and parking space, space for the Bureau of Criminal  
 9 Apprehension, and complaint desk ~~which~~. The facilities must  
 10 meet the needs of patrons, officials, horsepersons, other  
 11 persons on the premises, and horses.

12 Subp. 2. Maintenance. Each association must maintain its  
 13 facility so that it is neat and clean, painted, and in good  
 14 repair with consideration for the safety, health, and comfort of  
 15 persons on the premises, and safety and health of horses.

16 Subp. 3. Reports. No later than 30 days before the first  
 17 day of any race meeting, the association shall submit to the  
 18 commission the most recent inspection reports issued by  
 19 governmental authorities regarding the condition of facilities,  
 20 sanitation, and fire prevention, detection, and suppression.

21 Subp. 4. Racing surfaces. ~~The-association-conducting-the~~  
 22 ~~first-thoroughbred-and-harness-meetings-of-the-year-at-a~~  
 23 ~~racetrack-must,~~ Within seven days after the a race meeting  
 24 commences, the association must submit to the commission  
 25 evidence that the construction, elevation, and composition of  
 26 racing and training surfaces have received engineering and  
 27 veterinarian approval as safe and humane.

28 Subp. 5. Distance poles. Distance poles on a race course  
 29 shall be the following colors:

- 30 A. quarterpoles, red and white;  
 31 B. eighth poles, green and white; and  
 32 C. 16th poles, black and white.

## 33 7875.0200 EQUIPMENT.

34 Subpart 1. Equipment. Each association must include  
 35 equipment, devices, or apparatus necessary to start, time, film

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1 or tape, and photograph the finish of every race. Equipment  
2 necessary to view photographs, films, and tapes of each race  
3 must be provided. Each association must include pari-mutuel  
4 equipment, devices, or apparatus necessary to sell and cash  
5 tickets and calculate and display odds. An association also  
6 must include adequate internal communications equipment.

7 Subp. 2. Totalizator. Totalizator equipment must be  
8 designed to calculate, at intervals of not more than 60 seconds  
9 between each complete change, the total amounts wagered on each  
10 betting interest as wagering progresses. Approximate odds on  
11 each betting interest in the win pool shall be updated on the  
12 totalizator board at intervals of not more than 60 seconds.  
13 Approximate odds or approximate payoffs on all multiple  
14 pari-mutuel pools, except the pick six, shall be displayed on  
15 television monitors at regular intervals. The totalizator  
16 equipment shall provide a record of total amount wagered and  
17 amount wagered on each betting interest.

18 Subp. 3. Internal communications. An internal  
19 communications system shall link the stewards' stand,  
20 pari-mutuel department, patrol judges, and other locations which  
21 the commission determines necessary to internal communications.

22 Subp. 4. Starting gates. At least two starting gates must  
23 be in service on each race day and shall be tested daily prior  
24 to the first race. Two tractors or teams of draught horses  
25 shall be positioned to pull any gate from a racecourse.  
26 Thoroughbred starting gates must be padded to prevent injury to  
27 jockeys, assistant starters, and horses. The arms of a  
28 standardbred starting gate shall have a screen or shield in  
29 front of each horse, and the arms shall be perpendicular to the  
30 rail when extended.

31 Subp. 5. Photo-finish. A photo-finish system must  
32 simultaneously use a back-up camera in case of malfunction of  
33 the primary system.

34 Subp. 6. Timing. An association must use an electric  
35 timing system. An official shall be designated to use a  
36 hand-held stopwatch to record the time should the electric

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1 timing system fail.

2 Subp. 7. Film patrol. Color film or color videotape  
3 recordings shall show clearly the position and actions of  
4 horses, jockeys, and drivers at close range. At least three  
5 cameras shall be used for every race to provide panoramic and  
6 head-on views of the race.

7 Subp. 8. Preservation. All photo-finish film or videotape  
8 records shall be preserved for at least 90 days after a close of  
9 a meeting or until legal proceedings involving a recorded race  
10 are concluded, whichever is later.

11 Subp. 9. External communications. An association may have  
12 telephone or telegraph systems on the premises during a race  
13 meeting for the benefit of the public press or for transacting  
14 ordinary business, but no information regarding the results of  
15 any race shall be transmitted out of the racetrack until the  
16 results are official, nor shall any message be sent over said  
17 wires transmitting money, or other things of value, or directing  
18 the placing of any wager on the result of a race except as  
19 permitted by part 7873.0400.

20 No telephone calls, telegrams, or messages of any kind for  
21 any person attending or participating in the conduct of a race  
22 meeting shall be accepted, nor shall any notice be given  
23 pertaining to such message or telephone call during the hours  
24 indicated unless permission is first given by the stewards or  
25 the authorized representative of the commission.

26 A telephone on a private line shall be provided in the  
27 offices of the commission. All costs of the telephone service  
28 shall be borne by the association and the service shall not be  
29 interrupted at any time.

30 All telephones or other instruments of communication, other  
31 than those designated for the sole use of the commission or  
32 those approved by the commission for use during racing, must be  
33 rendered inoperable between the hours starting 30 minutes before  
34 post time for the first race and the flashing of the "official"  
35 sign following the last race.

36

CHAPTER 7876

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## 1 MINNESOTA RACING COMMISSION

## 2 STABLING

3 7876.0100 ON-TRACK STABLING.

4 Subpart 1. Allocation of stalls. The racing secretary  
5 shall be responsible for stall allocation unless the association  
6 appoints a committee to perform that function and so notifies  
7 the commission.

8 Subp. 2. Forms. The association shall allocate stalls  
9 pursuant to a written stall application and agreement, on forms  
10 approved by the commission.

11 Subp. 3. Notice. The association shall give each  
12 applicant written notice with regard to each stall requested.  
13 The notice shall specify whether each application was accepted,  
14 denied, or placed on a pending status. The notice shall be  
15 given no later than five days before the first day of the race  
16 meeting, or ten days after receipt of the stall application,  
17 whichever shall be last to occur. The association shall give  
18 the applicant written notice of final action on an application.

19 Subp. 4. Discretion. The association shall be allowed  
20 broad discretion in allocating stalls, but its actions shall be  
21 governed by the best interests of racing and of the race meeting.

22 Subp. 5. Restrictions. No action on a stall application  
23 shall be based upon:

24 A. the race, color, creed, religion, national origin,  
25 or sex of the applicant;

26 B. an arbitrary or capricious decision, or a decision  
27 not related to the best interests of racing or of the race  
28 meeting; and

29 C. the payment, transfer, or delivery to the  
30 association or to any person designated by it, of money,  
31 property, or other thing of value, or upon the applicant's  
32 promise to make such payment, transfer, or delivery.

33 Subp. 6. Misuse of property. Previous misuse of racetrack  
34 property by an applicant may be considered when stall  
35 assignments are made.

36 Subp. 7. Minnesota residents have preference.

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1 considering stall applications that are of substantially equal  
2 merit, the association shall give preference to applications  
3 submitted with respect to horses owned by Minnesota residents.

4 Subp. 8. Documents to be kept. The association shall  
5 cause all stall applications, stall agreements, correspondence,  
6 and documents that influenced its decision to grant or deny  
7 stalls, including past performance charts, to be retained until  
8 the close of the race meeting or for such longer period as the  
9 commission may direct.

10 7876.0110 OFF-TRACK STABLING.

11 Subpart 1. Stabling. A horse racing at a licensed race  
12 meeting may be stabled within the confines of the racetrack, at  
13 another racetrack licensed by the commission or other racing  
14 jurisdiction, or at off-track facilities. The association  
15 conducting the meeting shall provide temporary stabling for  
16 horses eligible to race that are brought to a race from another  
17 racetrack or off-track facilities.

18 Subp. 2. Requirements of commission must be met at  
19 racetrack. All workout, tattooing, approval from the starting  
20 gate, and eligibility requirements of the commission or stewards  
21 must be secured at a licensed racetrack at which racing is being  
22 conducted.

23 Subp. 3. Horses must be at racetrack by scratch time. All  
24 horses shipped from another racetrack of or off-track stabling  
25 facility to a racetrack for a race must be at the racetrack  
26 before scratch time for that race.

27 CHAPTER 7877

28 MINNESOTA RACING COMMISSION

29 CLASS C LICENSES

30 7877.0100 GENERAL REQUIREMENTS.

31 Subpart 1. Scope. Except as otherwise provided by rule,  
32 any person whose work, in whole or in part, is conducted at a  
33 licensed racetrack shall first obtain a Class C license from the  
34 commission.

35 Subp. 2. Licensing criteria. In issuing a Class C

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1 license, the commission shall first determine that the  
 2 applicant's age, experience, reputation, competence, record of  
 3 law abidance, and financial responsibility are consistent with  
 4 the best interests of horse racing, the provisions of Minnesota  
 5 Statutes, chapter 240, and that licensure will not adversely  
 6 affect the public health, welfare, and safety within Minnesota.

7 7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

8 Subpart 1. Application. A person desiring a Class C  
 9 license shall make application on forms provided by the  
 10 commission and, upon written request of the commission, shall  
 11 provide information supplemental to the application.  
 12 Applications may be obtained from and filed with the licensing  
 13 office at any current race meeting regulated by the commission,  
 14 or with the commission's main office.

15 Subp. 2. Application content. An application for a Class  
 16 C license shall include the following information with respect  
 17 to the applicant:

- 18 A. date of birth;
- 19 B. social security number;
- 20 C. home address;
- 21 D. home telephone number;
- 22 E. names, and addresses, ~~and telephone numbers~~ of  
 23 previous employers;
- 24 F. ~~educational background;~~
- 25 G. a signed statement authorizing the release of  
 26 information to the commission and the Minnesota Bureau of  
 27 Criminal Apprehension; and
- 28 H. G. two completed FBI fingerprint cards.

29 Subp. 3. Application submission. An application shall not  
 30 be considered filed until the application form has been filled  
 31 out completely and all information requested by the commission  
 32 has been supplied.

33 Subp. 4. Racing officials. Each association shall submit  
 34 to the commission for its approval or disapproval the names of  
 35 all persons whom the association has selected as racing  
 36 officials, and other employees whose duties relate to the actual

1 running of races. The list shall include, where applicable, the  
2 following racing officials:

- 3 A. assistant racing secretary;
- 4 B. association veterinarian;
- 5 C. claims clerk;
- 6 D. clerk of course (harness);
- 7 E. clerk of scales (thoroughbred or quarter horse);
- 8 F. clocker (thoroughbred or quarter horse);
- 9 G. director of security;
- 10 H. equipment inspector (harness);
- 11 I. general manager;
- 12 J. identifier;
- 13 K. jockeys' or drivers' room custodian;
- 14 L. mutuels manager;
- 15 M. paddock judge;
- 16 N. patrol judge;
- 17 O. placing judge;
- 18 P. program director (harness);
- 19 Q. outrider;
- 20 R. racing secretary;
- 21 S. starter;
- 22 T. stewards;
- 23 U. timer; and
- 24 V. track superintendent.

25 The list of racing officials' names shall be submitted to  
26 the commission in writing at least 30 days prior to the opening  
27 of each race meeting.

28 The association shall be responsible for filing a complete  
29 application for a Class C license with respect to each nominee  
30 who has not been previously licensed by the commission as a  
31 racing official.

32 The commission may request any person whose name is  
33 proposed as a racing official to submit to a physical  
34 examination and to forward the results of said examination to  
35 the commission. The request shall be made only where there is a  
36 reasonable basis for suggesting that the applicant's physical

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1 condition would hinder or prevent him or her from performing the  
2 duties of a racing official.

3 The commission shall act on the association's list of  
4 officials at a meeting of the commission. If commission staff  
5 recommends disapproval of an official, the association shall be  
6 notified of that recommendation in advance of the commission's  
7 meeting.

8 7877.0120 FEES.

9 Subpart 1. License fees. Each application for a Class C  
10 license, or its renewal, shall be accompanied by the payment of  
11 an annual fee according to the following schedule:

- 12 A. authorized agent, \$25;
- 13 B. bloodstock agent, \$100;
- 14 C. concessionaire/vendor, \$100;
- 15 D. ~~concessionaire~~ concession/vendor employee, \$10;
- 16 E. driver (harness), \$25;
- 17 F. exercise rider, \$15;
- 18 G. farrier, \$25;
- 19 H. farrier's assistant, \$10;
- 20 I. groom/hotwalker, \$5;
- 21 J. horsepersons' bookkeeper, \$25;
- 22 K. ~~hotwalker, \$5;~~
- 23 L. ~~jockey, \$25;~~
- 24 M. L. jockey agent, \$25;
- 25 N. M. jockey, apprentice, \$25;
- 26 O. N. owner, individual, \$25;
- 27 P. O. owner, multiple, \$100;
- 28 Q. P. owner/trainer/driver, \$25;
- 29 R. Q. pari-mutuel clerk, \$10;
- 30 S. ~~pharmaceutical representative, \$100;~~
- 31 T. ~~photo-finish operator, \$100;~~
- 32 U. ~~photographer, track, \$100;~~
- 33 V. R. pony rider, \$10;
- 34 W. S. racing official, \$25;
- 35 X. T. stable foreman, \$5;
- 36 Y. U. trainer, \$25;

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- 1 Z. V. trainer, assistant, \$15;
- 2 ~~AA.---totalisator-owner,-\$100;~~
- 3 BB. W. valet, \$5;
- 4 CC. X. veterinarian, \$100;
- 5 DD. Y. veterinary assistant, \$25; and
- 6 EE. Z. others, \$10.

7 Subp. 2. Fingerprint charge. In addition to the license  
 8 fee in subpart 1, each initial application for a Class C  
 9 license, and each renewal application every third year  
 10 thereafter, shall be accompanied by two completed FBI  
 11 fingerprint cards taken by the commission and a properly  
 12 executed certified check, cashier's check, or money order in the  
 13 amount of \$12 payable to "Federal Bureau of Investigation." Any  
 14 horse owner who does not make application in person must meet  
 15 all requirements of this subpart, except that the owner may file  
 16 two completed fingerprint cards taken by a law enforcement  
 17 agency.

18 Subp. 3. Jockey mount fees. Except as otherwise specially  
 19 agreed by the parties, the fees to be paid jockeys shall be  
 20 according to the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount Other Mounts
27 \$400 <u>\$499</u>				
28 and Under	\$ 27	\$19	\$17	\$16
29 500- <u>599</u>	30	20	17	16
30 600- <u>699</u>	36	22	17	16
31 700-				
32 900 <u>999</u>	10%	25	22	20
33	of win purse			
34 1,000-				
35 <del>1,400</del> <u>1,499</u>	10%	30	25	22
36	of win purse			
37 1,500-				
38 <del>1,900</del> <u>1,999</u>	10%	35	30	28

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1		of win purse				
2	2,000-					
3	<del>3,400</del> <u>3,499</u>	10%	45	35	33	
4		of win purse				
5	3,500-					
6	<del>4,900</del> <u>4,999</u>	10%	55	45	35	
7		of win purse				
8	5,000-					
9	<del>9,900</del> <u>9,999</u>	10%	65	50	40	
10		of win purse				
11	10,000-					
12	<del>14,900</del> <u>14,999</u>	10%	5% of place	5% of show	45	
13		of win purse	purse	purse		
14	15,000-					
15	<del>24,900</del> <u>24,999</u>	10%	5% of place	5% of show	50	
16		of win purse	purse	purse		
17	25,000-					
18	<del>49,900</del> <u>49,999</u>	10%	5% of place	5% of show	60	
19		of win purse	purse	purse		
20	50,000					
21	<del>and-up</del> <u>99,999</u>	10%	5% of place	5% of show	75	
22		of win purse	purse	purse		
23	100,000 and up	10%	5% of place	5% of show	100	
24		of win purse	purse	purse		

25 Subp. 4. Driver's fee. In the absence of a contract or  
 26 special agreement, drivers' fees shall be \$20 or five percent of  
 27 the purse earned, whichever is greater.

28 A. For the purpose of this subpart "purse earned"  
 29 means the amount paid the winning horse less the fees paid by  
 30 the owner to enter the horse in the race.

31 B. The purpose of this subpart is not to set a  
 32 minimum or a maximum fee, but merely to provide a fee in the  
 33 event that the parties have not made any other written agreement  
 34 to the contrary.

35 A driver's fee shall be considered earned when the horse  
 36 which the driver has been engaged to drive leaves the paddock

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1 for the post; provided, however, that in the event of a  
2 substitution of drivers after the fee is considered earned, no  
3 additional driver fee or double driver fee need be paid except  
4 when so ordered by the stewards.

5 C. In the event the parties reach an agreement with  
6 respect to the fee to be paid the driver, a contract or  
7 agreement in writing signed by the driver (or his or her agent)  
8 and the owner (or his or her authorized agent) specifying the  
9 agreed upon fee shall be delivered to the horsepersons'  
10 bookkeeper prior to the running of the race in question. The  
11 horsepersons' bookkeeper shall debit the owner's account in  
12 accordance with the contract or written agreement.

13 D. If no contract or written agreement is submitted  
14 to the horsepersons' bookkeeper prior to the running of the race  
15 in question, the horseperson's bookkeeper shall debit the  
16 owner's purse account in accordance with the ~~fee-scale-in~~  
17 subpart-2 applicable fees found in this subpart.

18 7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

19 Subpart 1. Age. An applicant for a Class C license,  
20 except an individual owner's license, shall be at least 14 years  
21 of age unless an older age is required by statute or rule;  
22 however Class C licensees who work in proximity to horses shall  
23 be at least 16 years of age.

24 Subp. 2. Burden of proof. If an applicant for a Class C  
25 license has had a license denied or had his or her license  
26 suspended or revoked or been excluded by another racing  
27 jurisdiction, the commission shall consider such fact as prima  
28 facie evidence that the applicant is unfit to be granted a Class  
29 C license, and the burden of proof shall rest upon the applicant  
30 to establish his or her fitness. In reviewing such  
31 applications, the commission shall consider the factors provided  
32 in part 7877.0100, subpart 2.

33 Subp. 3. Compliance with laws. An applicant for a Class C  
34 license shall certify that he or she is in compliance with all  
35 applicable racing, tax, affirmative action, and workers'  
36 compensation laws and rules.

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## 1 7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

2 Subpart 1. Individual owners. An applicant for an  
3 individual owner's license must own or lease a horse eligible to  
4 race in Minnesota which is under the care of a trainer licensed  
5 by the commission.

6 If younger than 18 years of age, an applicant for an  
7 individual owner's license must submit a notarized affidavit  
8 from his or her parent or legal guardian stating that the parent  
9 or legal guardian assumes responsibility for the applicant's  
10 financial, contractual, and other obligations relating to the  
11 applicant's participation in racing. A parent or legal guardian  
12 submitting such an affidavit also shall submit information  
13 required in part 7877.0110, subpart 2. If the commission has  
14 reason to doubt the financial responsibility of an applicant for  
15 an individual owner's license, the applicant shall complete a  
16 verified financial statement.

17 Subp. 2. Multiple owners. Applicants for a multiple  
18 owner's license must comply with the following requirements.

19 A. A corporation, general partnership, limited  
20 partnership, trust, or any combination of two or more  
21 individuals which owns or leases a horse eligible to race in  
22 Minnesota (hereinafter referred to as "multiple owner") must  
23 obtain a Class C license issued by the commission.

24 B. Directors, officers, general partners,  
25 policymakers, and all holders of direct or indirect record or  
26 beneficial ownership or other voting interests or control,  
27 whether absolute or contingent, of five percent or more in a  
28 multiple owner also must obtain Class C licenses issued by the  
29 commission.

30 C. Individuals or entities required by items A and B  
31 to obtain a Class C license must make their best effort, as  
32 defined in part 7870.0030, ~~subpart-2~~, item E, to disclose to the  
33 commission in writing at the time of each Class C license  
34 application and renewal request, any interest in a race horse  
35 other than horses owned or leased by the multiple owner, and any  
36 agreement or understanding entered into regarding the racing of

1 horses owned or leased by the multiple owner or the distribution  
2 of the benefits of racing the horses.

3 D. A multiple owner must make its best effort, as  
4 defined in part 7870.0030, ~~subpart-2,~~ item E, to disclose to the  
5 commission in writing at the time of each Class C license  
6 application and renewal request, the nature and extent of every  
7 direct or indirect record ~~or~~ of beneficial ownership or other  
8 voting interest or control, whether absolute or contingent, in  
9 the multiple owner. The disclosure shall include the names and  
10 addresses of every individual and other entity. The individuals  
11 an and other entities identified, except those required to be  
12 licensed pursuant to item B, shall not be licensed and shall not  
13 have access to restricted areas at racetracks.

14 E. A corporation must file with the commission, at the  
15 time of application for a Class C license, a copy of its  
16 articles of incorporation and a notarized statement signed by  
17 its chief executive officer agreeing to represent the entire  
18 ownership and be responsible for the corporation's horses and  
19 all racing matters.

20 F. A general partnership shall file with the  
21 commission, at the time of its application for a Class C  
22 license, a copy of the partnership agreement and a notarized  
23 agreement signed by all the partners designating a partner to  
24 represent the entire ownership and be responsible for the  
25 partnership's horses and all racing matters.

26 G. A limited partnership shall file with the  
27 commission, at the time of its application for a Class C  
28 license, a copy of the partnership agreement and a notarized  
29 designation of a general partner to represent the entire  
30 ownership and be responsible for the partnership's horses and  
31 all racing matters.

32 Subp. 3. Trainers and assistant trainers. Applicants for  
33 a trainer's or assistant trainer's license must comply with the  
34 following requirements.

35 A. An applicant for a trainer's license or an  
36 assistant trainer's license must be at least 18 years old.

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1           B. Any person applying for the first time in  
2 Minnesota for a trainer's or assistant trainer's license shall  
3 submit to the examination required of prospective trainers and  
4 assistant trainers under subpart 4, items B and C unless the  
5 applicant has been licensed as a trainer or assistant trainer in  
6 another racing jurisdiction for at least the two preceding  
7 years, and meets the criteria in part 7877.0100, subpart 2.

8           C. An applicant for a trainer's license shall have at  
9 least one horse to train which is eligible to race in  
10 Minnesota. An applicant for an assistant trainer's license  
11 shall be employed by a licensed trainer with at least six horses  
12 in his or her stable at the time of filing the assistant  
13 trainer's application.

14           D. An applicant for a trainer's license shall provide  
15 proof of having complied with the workers' compensation laws,  
16 Minnesota Statutes, chapter 176, and all pertinent rules adopted  
17 thereunder, unless the trainer has no employees and contemplates  
18 none. If the trainer subsequently employs another person, he or  
19 she shall comply with applicable provisions of Minnesota  
20 Statutes, chapter 176, and all pertinent rules.

21           Subp. 4. Prospective trainers and assistant trainers. An  
22 applicant who has never been licensed by the commission or by  
23 another racing jurisdiction as a trainer or an assistant trainer  
24 must have at least two years' experience in an occupation that  
25 indicates a knowledge of horsemanship and racing practices.

26           A. The applicant must submit three letters of  
27 recommendation from former employers or currently licensed  
28 trainers attesting to the applicant's ability and experience.

29           B. The applicant must pass a written examination  
30 administered by the stewards, or their designee, covering such  
31 subjects as rules of racing, care and handling of horses, and  
32 proper use of racing equipment.

33           C. The applicant must pass a practical test of  
34 horsemanship administered by the stewards or their designee.

35           Subp. 5. Jockeys. Applicants for a jockey's license must  
36 comply with the following requirements.

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1           A. An applicant for a jockey's license must be at  
2 least 16 years old.

3           B. The applicant must have been licensed previously  
4 as a jockey or apprentice jockey by the commission or by another  
5 racing jurisdiction.

6           C. The applicant must pass a physical examination by  
7 a licensed, practicing physician within a year prior to the  
8 first Minnesota race meeting at which he or she intends to ride.

9           D. An applicant for a jockey's license may not be the  
10 owner or trainer of a race horse.

11         Subp. 6. **Apprentice jockeys.** Applicants for an apprentice  
12 jockey's license must comply with the following requirements.

13           A. An applicant for an apprentice jockey's license  
14 must be at least 16 years old.

15           B. The applicant must have been licensed previously  
16 by the commission or another racing jurisdiction as an  
17 apprentice jockey or as an exercise rider, or have acquired  
18 comparable experience at a training facility or farm. If  
19 licensed as an exercise rider or acquired comparable experience,  
20 an applicant must demonstrate the ability to break a horse from  
21 a starting gate in company with other horses under the  
22 observation of a starter and, thereafter, ~~demonstrate-to-the~~  
23 ~~stewards-his-or-her-ability-to~~ ride competitively in at least  
24 two races under the observation of the stewards.

25           C. An applicant must pass a physical examination by a  
26 licensed, practicing physician within a year prior to the first  
27 Minnesota race meeting at which he or she intends to ride.

28           D. Only thoroughbred races at authorized race  
29 meetings in the United States, Canada, or Mexico, which are  
30 reported in the Daily Racing Form or other recognized racing  
31 publication, shall be considered in determining eligibility for  
32 licensing as an apprentice jockey.

33           E. An applicant for an apprentice jockey's license  
34 may not be the owner or trainer of a race horse.

35           F. An apprentice jockey shall race under certificate  
36 issued by the commission in accordance with the standards in



1 part 7877.0170, subpart 3, item B A.

2 Subp. 7. Exercise rider. An applicant for an exercise  
3 rider's license must have been licensed as an exercise rider by  
4 the commission or by another racing jurisdiction. If unable to  
5 meet this requirement, an applicant shall demonstrate to the  
6 stewards, or their designee, the ability to ride a galloping  
7 race horse.

8 Subp. 8. Harness driver. Applicants for a harness  
9 driver's license must be at least 16 years old and must pass a  
10 physical examination administered by a licensed, practicing  
11 physician within a year prior to the first Minnesota race  
12 meeting at which he or she intends to drive. In addition:

13 A. The applicant must have been licensed previously  
14 as a harness driver by the commission or another racing  
15 jurisdiction.

16 B. If the applicant has never been licensed as a  
17 harness driver, he or she must demonstrate to the stewards the  
18 ability to drive a horse at training speeds and must pass a  
19 written examination demonstrating knowledge of harness racing  
20 rules and horsemanship administered by the stewards or their  
21 designee.

22 (1) If such an applicant successfully completes  
23 those prerequisites, he or she shall be issued a "Q"  
24 (qualifying) license to compete in qualifying and other  
25 non-wagering races only.

26 (2) The holder of a "Q" license must drive in at  
27 least 12 qualifying or non-wagering races, under supervision of  
28 the stewards, before being awarded a harness driver's license.

29 Subp. 9. Veterinarians. An applicant for a veterinarian's  
30 license must provide proof of current validation to practice  
31 veterinary medicine in Minnesota.

32 The applicant must demonstrate to the commission's  
33 veterinarian that he or she is familiar with current equine  
34 medical practices and possesses knowledge of the commission's  
35 medication rules as specified in chapter 7890.

36 Subp. 10. Farriers. An applicant for a farrier's license

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1 must have been licensed previously as a farrier by the  
2 commission or another racing jurisdiction, or must pass an  
3 examination related to the shoeing of race horses administered  
4 by the stewards or their designee.

5 Subp. 11. Pony riders. An applicant for a pony rider's  
6 license must have been licensed previously as a pony rider by  
7 the commission or by another racing jurisdiction. If unable to  
8 meet this requirement, the applicant must demonstrate his or her  
9 riding ability to the stewards or their designee.

10 Subp. 12. Stable foremen. An applicant for a stable  
11 foreman's license must have been licensed previously as a stable  
12 foreman by the commission or by another racing jurisdiction, or  
13 must have been licensed as a groom for at least one year in any  
14 racing jurisdiction.

15 Subp 13. Jockey agents. An applicant for a jockey agent's  
16 license must have been licensed previously as a jockey agent by  
17 the commission or by another racing jurisdiction, and may  
18 represent no more than two jockeys and one apprentice jockey.

19 If never licensed as a jockey agent, the applicant must  
20 have at least one year's experience as a Class C licensee or  
21 have held an occupational license from another racing  
22 jurisdiction, and must pass a written examination administered  
23 by the stewards or their designee relating to jockey  
24 engagements, horse eligibility, and other topics relevant to his  
25 or her appointment as a jockey agent.

26 Subp. 14. Authorized agents. An applicant for an  
27 authorized agent's license must submit with his or her license  
28 application a written agency appointment authorizing him or her  
29 to act on behalf of a licensed owner or licensed trainer in  
30 racing matters not directly related to the care and training of  
31 horses. The authorization shall be on a form provided by the  
32 commission and shall define the powers, limits, and terms of the  
33 agency agreement. The authorization must be signed by the  
34 principals and notarized.

35 A separate notarized agency appointment is required for  
36 each principal an authorized agent intends to represent.

1 such agencies shall remain in effect for the duration of the  
 2 licensing year unless written notice of revocation is submitted  
 3 to the stewards at the meeting where the principal is racing.

4 Subp. 15. Bloodstock agents. Any person who for gain,  
 5 gratuity, commission, or reward, in either money or goods, acts  
 6 as an agent for the sale or purchase of any race horse not his  
 7 or her own which is eligible to race at an authorized race  
 8 meeting in Minnesota, and who offers for sale, offers to  
 9 purchase for a client or for his or her own account for resale  
 10 within 60 days, or offers his or her services as an agent in the  
 11 purchase or sale of any race horse not his or her own which is  
 12 eligible to race in Minnesota, must obtain a Class C license  
 13 from the commission to act as a bloodstock agent.

14 7877.0135 DUAL LICENSING.

15 In determining whether to issue more than one Class C  
 16 license to an applicant, the commission shall consider the  
 17 nature of the licenses sought or already held, and whether  
 18 holding multiple licenses would be a conflict of interest.

19 A. A person licensed as a jockey, veterinarian, or  
 20 farrier may not be licensed in another capacity.

21 ~~B. In addition to the prohibitions of item C, a~~  
 22 ~~person licensed as an owner may not be licensed as a jockey~~  
 23 ~~agent, nor may any person licensed as a jockey agent be licensed~~  
 24 ~~as an owner.~~

25 ~~E. No racing official may serve or act in another~~  
 26 ~~capacity at a race meeting at which he or she is licensed as an~~  
 27 ~~official.~~

28 C. In addition to the prohibitions of item B, a  
 29 person licensed as an owner may not be licensed as a jockey  
 30 agent, nor may any person licensed as a jockey agent be licensed  
 31 as an owner.

32 D. No Class C licensee shall act in any capacity  
 33 other than that for which he or she is licensed.

34 7877.0140 TEMPORARY LICENSE.

35 Subpart 1. Issuance. Pending completion of an

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1 investigation of qualifications and fitness, and a decision by  
 2 the commission to issue or deny a Class C license, the  
 3 commission may grant a temporary license to a person who has  
 4 filed a complete and sufficient application for a Class C  
 5 license and paid all applicable fees, which are nonrefundable.

6 A temporary license must be granted if:

7           A. the applicant desires to act in a capacity for  
 8 which a Class C license is required prior to the time the  
 9 commission will make a decision on his or her application;

10           B. the applicant, in the exercise of reasonable care  
 11 and diligence, could not have made application in time for the  
 12 commission to make its decision before the applicant desires to  
 13 commence the activity; and

14           C. the commission does not have reason to believe  
 15 that the applicant is ineligible for the Class C license he or  
 16 she seeks.

17           Subp. 2. Termination. A temporary license shall carry no  
 18 presumption of qualifications or fitness and may be terminated  
 19 summarily by the commission for cause.

20           A temporary license shall terminate upon a decision of the  
 21 commission to issue or deny a Class C license, or ~~120~~ 60 days  
 22 after the grant of the temporary license, whichever occurs first.

23           ~~In the event of termination of a temporary license, the~~  
 24 ~~Class C license fee shall be forfeited.~~

25 7877.0145 EMERGENCY LICENSE.

26           Subpart 1. Racing officials. If a racing official  
 27 approved by the commission becomes incapacitated or is unable to  
 28 perform his or her duties, the stewards may approve an emergency  
 29 license. The approval shall be based on the standards in part  
 30 7877.0175, and must be reported to the commission for  
 31 consideration at the next commission meeting. If the emergency  
 32 licensee has not previously been considered by the commission,  
 33 the association shall be responsible for immediately submitting  
 34 a completed license application to the commission.

35           Subp. 2. Owners. If an owner is unable to complete an  
 36 application for an owner's license because of absence

1 illness, the licensed trainer desiring to enter a horse in a  
2 race shall be permitted to apply for an emergency owner's  
3 license on behalf of the absent owner.

4 The trainer applying for an emergency owner's license on  
5 behalf of an absent owner must submit a notarized affidavit with  
6 the license application specifying the reasons the owner is  
7 unable to complete the application.

8 Any emergency owner's license shall be valid for a maximum  
9 of 21 days from the date issued.

10 7877.0150 REPLACEMENT LICENSE.

11 A person whose license (ID badge) is lost, destroyed, or  
12 mutilated must request issuance of a replacement license and pay  
13 a fee of \$10.

14 7877.0155 CONDITIONS PRECEDENT TO LICENSING.

15 Acceptance of a Class C license, including a temporary or  
16 emergency license, shall mean that the licensee consents and  
17 agrees to the following conditions:

18 A. The licensee will abide by commission rules.

19 B. The licensee will abide by all rulings and  
20 decisions of the stewards, unless the commission has modified or  
21 reversed a ruling or decision after a hearing.

22 C. The licensee will fully and truthfully provide  
23 information requested by the stewards or the commission in the  
24 course of an investigation, inquiry, or hearing.

25 D. The licensee will notify the stewards or the  
26 commission immediately about any bribe, attempted bribe, or any  
27 violation of a statute or rule relating to horse racing or  
28 gambling of which he or she has knowlege.

29 E. The licensee will submit to inspections and  
30 searches as hereinafter provided:

31 (1) When investigating for violations of law or  
32 rules upon racetrack ~~the~~ grounds ~~or-at-any-location-where-horses~~  
33 ~~eligible-to-race-at-a-Minnesota-race-meeting-are-kept~~ of an  
34 association, the commission or the stewards may designate the

35 Minnesota Bureau of Criminal Apprehension or another appropriate

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1 law enforcement agency as having authority to conduct searches  
 2 of any Class C licensee, or any employee or agent of a Class A  
 3 ~~or Class, B, or D~~ licensee under the commission's jurisdiction.  
 4 This authority shall extend to searches and inspections of  
 5 persons and personal effects in and about racetrack grounds ~~or~~  
 6 ~~at locations where horses eligible to race are kept.~~

7 (2) Each applicant for a Class C license and each  
 8 employee or agent of a Class A or Class B licensee consents to  
 9 such searches and inspections, and waives all claims or possible  
 10 actions for damages that he or she believes he or she may have  
 11 suffered in connection with any such search or inspection.

12 F. The licensee will, upon request of the commission  
 13 or stewards, provide a blood or urine sample for analysis if the  
 14 duties of the licensee place him or her in a position of danger  
 15 or he or she commits an act that endangers a horse or human.

16 G. The licensee shall, upon request, furnish the  
 17 commission with additional sets of classifiable fingerprints on  
 18 designated law enforcement agency cards.

19 H. The licensee will conduct himself or herself in a  
 20 manner that is not detrimental to the best interests of racing.

21 7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

22 Subpart 1. Duration. A Class C license shall expire at  
 23 midnight on December 31 of the third calendar year after its  
 24 issuance.

25 Subp. 2. Extent. A Class C license issued at one race  
 26 meeting during the calendar year shall be eligible for  
 27 validation at any other race meeting regulated by the commission  
 28 that year provided that:

29 A. the licensee is in good standing with the  
 30 commission; and

31 B. the licensee furnishes proof of employment or  
 32 other evidence that he or she is practicing the occupation for  
 33 which he or she is licensed.

34 Subp. 3. Change of employers. A Class C licensee who  
 35 changes employers must notify the commission's licensing office  
 36 of the change no later than by the end of the next racing day of

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1 that race meeting.

2 Subp. 4. Validation. In the two calendar years after the  
3 year of issuance, each Class C license must be validated before  
4 the licensee engages in the activity for which the license was  
5 issued. The licensee must submit to the commission the current  
6 fee required by part 7877.0120 and a certificate on a form  
7 provided by the commission that he or she remains eligible to be  
8 licensed. The commission must validate a license after receipt  
9 of required submissions unless the licensee is determined to be  
10 ineligible. The commission may require fingerprints, a  
11 photograph, or other relevant data if it has reason to doubt the  
12 identity or eligibility of the licensee.

13 7877.0165 CREDENTIALS.

14 The commission shall issue an identification badge to each  
15 Class C licensee which must be validated for each racetrack at  
16 which the licensee's work is conducted.

17 The licensee must wear the badge on outer apparel at all  
18 times he or she is within any restricted area unless the  
19 activity for which he or she is licensed renders wearing of the  
20 badge on outer apparel unsafe or creates a substantial risk of  
21 loss, destruction, or mutilation of the badge, in which case the  
22 badge shall be in possession of the licensee.

23 No licensee shall permit any other person to use his or her  
24 badge for identification, entrance to the racetrack, or for any  
25 other purpose on or off the racetrack grounds.

26 7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

27 Subpart 1. Owners. Horse owners shall have the following  
28 responsibilities:

29 A. Owners are responsible for stakes payment,  
30 jockeys' fees, and drivers' fees.

31 B. Any owner wagering for a jockey/driver on any  
32 horse that the jockey/driver is to ride/drive for the owner  
33 shall keep a written record of the wager.

34 C. Owners shall comply with rules of claiming as  
35 specified in chapter 7883.

1           D. Racing colors must be registered with the  
2 commission when filing an application for an owner's license and  
3 ~~upon-payment-of.~~ A \$10 annual fee must accompany the  
4 registration. Authority for the use of racing colors must be  
5 sanctioned by the commission. Racing colors may not bear any  
6 advertising. Any difference between owners to the rights of  
7 particular colors shall be decided by the stewards. The  
8 registered colors of an owner may not be registered by another,  
9 except after five years of nonuse or abandonment by the original  
10 owner. Any temporary change from the registered colors of the  
11 owner must receive the prior approval of the stewards.

12                   (1) The owner is responsible for the registration  
13 of colors and for their availability to, and use by, the  
14 jockey/driver engaged to ride the owner's horse.

15                   (2) The colors to be worn by each jockey/driver  
16 in a race shall be described in the official racing program, and  
17 any change in colors from those described in the program shall  
18 be announced to the public prior to commencement of the race.

19           E. A licensed owner may register a stable name with  
20 the commission by filing an application on a form prescribed by  
21 the commission and paying a \$50 annual fee. ~~No-person-may-be~~  
22 ~~registered-under-more-than-one-stable-name-at-the-same-time.~~ No  
23 person may use the real name of any owner of race horses as a  
24 stable name. No stable name registration may be used for  
25 advertising purposes. A stable name which has already been  
26 registered may not be registered by another owner.

27                   (1) The granting of a stable name registration by  
28 the commission shall not relieve any person from the obligation  
29 to file or register a fictitious name as provided by the laws of  
30 Minnesota.

31                   (2) An application to register a stable name  
32 shall disclose the real names of all interests participating in  
33 the stable and the percentage of ownership interest of each,  
34 including the interest owned by any corporation, general  
35 partnership, limited partnership, trust, estate, or individual.

36                   (3) A stable name may be changed at any time by

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1 registering a new stable name and by paying the \$50 annual fee.  
2 A stable name may be abandoned by giving written notice to the  
3 commission. Any change of five percent or more in ownership of  
4 a stable registered under a stable name shall be immediately  
5 reported to the commission.

6 ~~(4) No owner may use his or her real name for~~  
7 ~~raciing purposes if he or she has a registered stable name,~~  
8 ~~except with approval of the commission.~~

9 Subp. 2. Trainers. Trainers shall have the following  
10 responsibilities.

11 A. A trainer shall keep in his or her charge or under  
12 his or her supervision at the racetrack horses owned only by  
13 owners who are licensed by the commission.

14 B. A trainer shall ascertain the true identity of all  
15 horses in his or her charge.

16 C. A trainer shall be responsible for horses he or  
17 she enters as to eligibility; weight or other allowances  
18 claimed; physical fitness of the horse to perform credibly at  
19 the distance entered; absence of prohibited medication; proper  
20 shoeing, bandaging, and equipment; and timely arrival in the  
21 paddock.

22 (1) No trainer may start or permit a horse in his  
23 or her custody, care, or control to be started if he or she  
24 knows, or might have known, or has cause to believe, that the  
25 horse has received any medication in contravention of the  
26 provisions of chapter 7890.

27 (2) ~~The trainer will be held responsible for~~  
28 commission shall consider any positive test sample to be prima  
29 facie evidence that the trainer is responsible for such positive  
30 test sample unless he or she can show by substantial evidence  
31 that neither the trainer nor any employee or agent of the  
32 trainer was responsible for the administration of the medication.

33 (3) A trainer must guard each horse trained by  
34 him or her in such a manner and for such time prior to racing  
35 the horse as to prevent the administration of any medication  
36 prohibited by chapter 7890.

1 D. A trainer must obtain a designated stall  
2 assignment from the association before occupying any stall on  
3 the racetrack grounds.

4 E. A trainer must register each horse in his or her  
5 charge within 24 hours of the horse's arrival ~~at the racetrack~~  
6 on the grounds of an association by completing forms provided by  
7 the racing secretary. At the same time, any trainer of  
8 thoroughbred or quarter horses must submit with that  
9 registration a description of the owner's colors for each horse  
10 in his or her charge.

11 F. Each trainer must provide a list of all persons in  
12 his or her employ to the commission and must ensure that those  
13 persons are licensed by the commission no later than the next  
14 racing day after those employees arrive ~~at the racetrack~~ on the  
15 grounds of an association. Upon discharge of an employee, the  
16 trainer shall report that fact to the commission's licensing  
17 office by no later than the end of that racing day.

18 G. The trainer shall supply each horse in his or her  
19 care with adequate food, water, medical treatment, exercise, and  
20 shelter, and shall comply with all applicable provisions of  
21 Minnesota Statutes, chapter 343.

22 H. A trainer may use only veterinarians licensed by  
23 the commission to tend horses in his or her care that are  
24 entered to race.

25 I. No trainer may register under a stable name as  
26 trainer, but may be permitted to be the owner or part-owner of  
27 horses registered under the stable name.

28 J. A trainer shall represent an owner in making  
29 entries and scratches, and in all other matters pertaining to  
30 the running of a race.

31 K. A thoroughbred or quarter horse trainer shall  
32 personally attend his or her horses in the paddock, and shall  
33 supervise his or her horses' preparation to race, unless excused  
34 by the stewards because of illness or other emergency.

35 L. If a trainer is responsible for two or more horses  
36 in any race, the trainer shall instruct the jockeys or drivers

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1 he or she has engaged that each shall give his or her best  
2 effort and that each horse shall be ridden or driven to win.

3 M. If a horse entered to race becomes unfit for  
4 racing because of illness or injury, the trainer shall notify  
5 the stewards or the commission's veterinarian promptly.

6 N. A trainer is responsible for notifying the racing  
7 secretary of any circumstances that would necessitate changing a  
8 horse's registration or eligibility papers. This includes  
9 notifying the racing secretary when a horse is "nerved" pursuant  
10 to part 7897.0100, subpart 11.

11 O. A trainer is responsible for having each horse in  
12 his or her charge that is racing in Minnesota tested for equine  
13 infectious anemia (EIA) once every 12 months. The tests shall  
14 be performed by a laboratory approved by the United States  
15 Department of Agriculture. Trainers must maintain in their  
16 possession a written certificate of the EIA test.

17 P. A trainer must promptly report the death of any  
18 horse in his or her care ~~at-a-licensed-racetrack~~ on the grounds  
19 of an association to the commission veterinarian and must comply  
20 with part 7891.0110 governing post-mortem examinations.

21 Q. If a trainer must be absent because of illness or  
22 any other cause, the trainer shall appoint another licensed  
23 trainer to fulfill his or her duties, and promptly report the  
24 appointment to the stewards. The absent trainer and substitute  
25 trainer will have joint responsibility for the condition of the  
26 horses normally trained by the absent trainer.

27 R. Trainers licensed as owners must train all horses  
28 owned wholly or in part by them.

29 Subp. 3. Jockeys and apprentice jockeys. Jockeys and  
30 apprentice jockeys shall have the following responsibilities.

31 A. An apprentice jockey must ride with a five-pound  
32 weight allowance beginning with his or her first mount and for  
33 one full year thereafter. If after one full year from the date  
34 of his or her fifth winning mount the apprentice jockey has  
35 failed to ride 40 winners, he or she shall continue to ride with  
36 a five-pound weight allowance for up to two more years from the

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1 date of his or her fifth winning mount or until he or she has  
2 ridden a total of 40 winners, whichever comes first. In no  
3 event shall an apprenticeship extend more than four years from  
4 date of initial licensure as an apprentice jockey.

5 B. For purposes of the remainder of this subpart,  
6 reference to "jockey" also includes apprentice jockey.

7 C. Each jockey engaged to ride in a race must be in  
8 the jockey's room at the reporting time specified by the  
9 stewards on each day he or she is scheduled to ride. Upon  
10 arrival, the jockey shall report to the clerk of scales.

11 D. Each jockey reporting to the jockeys' room must  
12 remain there until he or she has fulfilled all of that day's  
13 riding engagements. While in the jockeys' room, the jockey may  
14 have no contact or communication with any person outside the  
15 jockeys' room other than with an owner or trainer for whom he or  
16 she is riding that day, or with the stewards or other commission  
17 officials.

18 E. Each jockey engaged to ride in a race shall report  
19 his or her riding weight to the clerk of scales at the time  
20 specified by the association.

21 F. Each jockey engaged to ride in a race must report  
22 to the clerk of scales for weighing-out not more than 30 minutes  
23 before post time for the first race, if he or she is riding in  
24 that race, nor sooner than the running of the preceding race, if  
25 he or she is riding in any other race.

26 G. The jockey's weight shall include his or her  
27 clothing (excluding helmet), boots, saddle, and saddle  
28 attachments.

29 H. No jockey may weigh-out if he or she is more than  
30 seven two pounds over the weight assigned to his or her horse  
31 without permission of the owner or trainer, and under no  
32 circumstances shall the overweight exceed seven pounds.

33 I. If employing an agent, a jockey is bound by all  
34 commitments made by the agent. If not employing an agent, the  
35 jockey shall conduct his or her business as if he or she were  
36 his or her own agent.

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1 J. A jockey must fill his or her riding engagements.  
2 However, no jockey may be forced to ride a horse he or she  
3 believes to be unsafe, or to ride on a race course he or she  
4 believes to be unsafe.

5 K. A jockey unable to fulfill his or her riding  
6 engagements because of illness or injury must pass a physical  
7 examination conducted by a licensed physician before resuming  
8 race riding.

9 L. A jockey must wear the racing colors registered by  
10 the owner of the horse he or she is to ride, plus white riding  
11 pants, top boots, and a number on the right shoulder  
12 corresponding to the mount's number as shown on the saddle cloth  
13 and in the daily program.

14 M. A jockey must wear a fully padded fiberglass  
15 helmet with a buckled chin strap while mounted upon any horse at  
16 a licensed racetrack.

17 N. In any race, a jockey shall must ride to win or to  
18 finish as near as possible to first. A jockey shall not ease  
19 his or her horse without cause, even if the horse has no  
20 apparent chance to earn a portion of the purse.

21 O. A jockey shall must make his or her best effort to  
22 control and guide his or her horse in such a way so as not to  
23 endanger his or her own horse or other horses and jockeys, nor  
24 to cause a foul.

25 P. A jockey shall must unsaddle his or her own horse  
26 before weighing-in, and shall weigh-in with the equipment with  
27 which he or she weighed-out.

28 Q. Each jockey shall must check the stewards' daily  
29 video replay list in the jockeys' room and report to the  
30 stewards, at the time designated, if so required by the list.

31 R. A jockey shall must notify the stewards in writing  
32 on a form provided by the commission if he or she intends to  
33 sever a business relationship with an agent or if he or she  
34 intends to change agents. The notification must be signed by  
35 both the jockey and agent.

36 S. A jockey not prohibited by contract may agree to

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1 give first or second call on his or her services to any licensed  
2 owner or trainer. Such agreements must be in writing if for a  
3 period of more than 30 days.

4 T. A jockey employed by a racing stable on a regular  
5 salaried basis shall not ride against the stable. No owner or  
6 trainer shall employ or engage a jockey to prevent the jockey  
7 from riding another horse.

8 U. Conflicting claims for the services of a jockey  
9 shall be decided by the stewards.

10 V. A jockey mount fee shall be considered earned by a  
11 jockey when he or she is weighed-out by the clerk of scales,  
12 except in the following cases:

13 (1) When the jockey does not weigh-out and ride  
14 in a race for which engaged because an owner or trainer engaged  
15 more than one jockey for the same race. In such a case, the  
16 owner or trainer shall pay the appropriate fee to each jockey  
17 engaged for the race.

18 (2) When a jockey elects to take himself or  
19 herself off a mount without proper cause.

20 (3) When the stewards replace the jockey with a  
21 substitute jockey for reasons other than the jockey suffering an  
22 injury during the time between weighing-out and the start of the  
23 race.

24 W. Whenever a jockey from a foreign country,  
25 excluding Mexico or Canada, rides in Minnesota, the jockey must  
26 present a declaration sheet stating that he or she is a holder  
27 of a valid license and not under suspension, and that he or she  
28 agrees to be bound by the commission's rules. This sheet shall  
29 be retained by the clerk of scales and, at the conclusion of the  
30 jockey's participation in racing, shall be returned to the  
31 jockey properly endorsed by the clerk of scales stating whether  
32 or not the jockey incurred any penalty or had a fall.

33 Subp. 4. Drivers. In every race a driver shall drive so  
34 as to win or to finish as near as possible to first. The driver  
35 shall not ease a horse without adequate cause, even if the horse  
36 has no apparent chance to earn a portion of the purse.

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1 Each driver shall make his or her best effort to control  
2 and guide his or her horse in such a way so as not to endanger  
3 other drivers or horses, and so as not to cause a foul.

4 A driver shall fulfill a commitment to drive, unless  
5 excused by the stewards. A driver unable to fulfill a  
6 commitment because of illness or injury must pass a physical  
7 examination before resuming race driving.

8 Each driver shall wear the traditional driver's costume in  
9 any pre-race warmup, post parade, race, or time trial. The  
10 costume shall consist of racing colors, white pants, and a fully  
11 padded fiberglass helmet buckled whenever the driver is in a  
12 sulky.

13 Subp. 5. Pharmaceutical representatives. Each  
14 pharmaceutical representative must register with the commission  
15 veterinarian at the racetrack, and file with the veterinarian  
16 for his or her approval a list of the items proposed to be sold  
17 or delivered.

18 Subp. 6. Bloodstock agents. Every bloodstock agent who  
19 participates as an agent in the purchase or sale of a race horse  
20 where any warranty of soundness, condition, or racing ability is  
21 expressed or implied shall file with the commission within five  
22 days of the date of sale a memorandum report of warranty which  
23 shall set forth all warranties expressed or implied. In the  
24 absence of any such filing it shall be presumed that no  
25 warranties were expressed or implied by the seller. A  
26 memorandum report of warranty shall be signed by both seller and  
27 purchaser or by the bloodstock agent acting in their behalf.

28 Every bloodstock agent who participates as an agent in the  
29 purchase or sale of any race horse eligible to race in  
30 Minnesota, where any condition of such purchase or sale includes  
31 any lien upon such horse by the seller or other person, shall  
32 file a memorandum report of conditional sale with the commission  
33 within five days of the date of sale.

34 Any warranty or condition of sale set forth in any sale  
35 catalog, printed offer of sale, or sales agreement shall be  
36 considered as a memorandum of warranty or condition of sale,

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1 whether or not filed with the commission.

2 No bloodstock agent shall misrepresent any material fact,  
3 nor knowingly withhold any material fact from any person  
4 connected with the sale of a horse, nor misrepresent his or her  
5 personal interest in any horse.

6 Subp. 7. Jockey's agent. A jockey's agent shall keep a  
7 written record of all engagements made for jockeys he or she  
8 represents. The record shall be accurate and up-to-date, and  
9 shall be available at all times for inspection by the stewards.

10 A jockey's agent shall give no more than two calls per race  
11 for any jockey represented. Any agent arranging two calls for a  
12 jockey in any race shall designate one of the engagements as a  
13 first call and the other as a second call.

14 A jockey's agent shall be in the racing secretary's office,  
15 or shall check-in with the racing secretary's office, at scratch  
16 time to confirm a jockey's commitments for the day's program.

17 A jockey's agent shall notify the stewards in writing if he  
18 or she no longer intends to serve as agent for any jockey. When  
19 so notifying the stewards, the agent also shall turn over to the  
20 stewards a list of any unfulfilled engagements that he or she  
21 has made for the jockey.

22 Subp. 8. Horsepersons' bookkeeper. The horsepersons'  
23 bookkeeper shall:

24 A. be bonded;

25 B. receive all stakes, entrance money, jockeys' fees,  
26 drivers' fees, and purchase money in claiming races; and

27 C. keep a complete and accurate record of all money  
28 received, and make those records available for inspection by the  
29 commission.

30 Subp. 9. Veterinary negligence. Veterinarians shall not  
31 be negligent in the performance of their duties with respect to  
32 the health and welfare of a horse, or in the prescription or  
33 administration of a medication or injectable substance, or in  
34 the use of equipment for hypodermic injection. Veterinarians  
35 must remove from the grounds of an association all discardable  
36 equipment and injectable substance containers.

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## 1 7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

2 Subpart 1. Racing secretary. The racing secretary shall  
3 have the following responsibilities.

4 A. The racing secretary shall be responsible for  
5 scheduling races during a meeting; compiling and publishing  
6 condition books or sheets; assigning weights or making  
7 allowances for handicap races; processing all entries,  
8 nominations, and scratches; compiling a registry of all horses  
9 and owners participating at the race meeting, plus their  
10 corresponding colors and, when applicable, stable names; and  
11 establishing a purse structure for the race meeting.

12 B. The racing secretary shall make stall assignments  
13 pursuant to chapter 7876 and shall maintain a record of the  
14 arrival and departure of all horses stabled on the racetrack  
15 grounds of an association.

16 C. The racing secretary shall be responsible for  
17 publication of the official daily program, if the association  
18 does not employ a program director.

19 D. The racing secretary shall be responsible for the  
20 daily posting of entries.

21 E. The racing secretary shall be responsible for the  
22 safekeeping of registration certificates, eligibility  
23 certificates, and racing permits for horses; for recording  
24 required information on such documents; and for returning the  
25 documents to the owners, trainers, or authorized agents at the  
26 conclusion of the race meeting. However, an association  
27 employing a clerk of the course may assign these duties to the  
28 clerk of the course.

29 F. The racing secretary shall maintain a list of  
30 horses that were entered but denied an opportunity to race  
31 because they were eliminated from a race programmed in the  
32 printed condition book books issued by the association.

33 G. The racing secretary's office shall keep  
34 up-to-date performance records on all horses registered to race  
35 at the-racetrack a race meeting. Such files shall be kept  
36 current and furnished intact to the racing secretary ~~approved~~ <sup>approved</sup> by the

1 succeeding race meeting.

2           H. The racing secretary shall establish a preference  
3 system for horses which have been excluded from races due to  
4 overfilling and shall maintain the system for the duration of a  
5 meeting. The racing secretary shall be allowed broad discretion  
6 with regard to the preference system but shall act in the best  
7 interest of racing and the meeting.

8           Subp. 2. Clerk of scales. The clerk of scales shall have  
9 the following responsibilities.

10           A. The clerk of scales shall be responsible for the  
11 security, regulation, and control of the jockeys' room.

12           B. The clerk of scales shall supervise all valets and  
13 the issuance of numbered saddle cloths and equipment for each  
14 jockey.

15           C. The clerk of scales shall be jointly responsible,  
16 with each jockey's valet, for the proper attire and neat  
17 appearance of the jockey.

18           D. The clerk of scales shall be responsible for  
19 having changes in colors or jockeys posted and announced to the  
20 public before any race if the colors or jockeys differ from  
21 those listed in the daily program.

22           E. The clerk of scales shall weigh-out every jockey  
23 riding in the first race not more than 30 minutes before post  
24 time for the race. The clerk of scales shall weigh-out jockeys  
25 riding in any other race no sooner than the preceding race. In  
26 weighing-out each jockey, the clerk of scales shall record any  
27 overweight, which shall be posted and announced to the public at  
28 the time specified by the association.

29           F. The clerk of scales shall weigh-in every jockey in  
30 public view immediately after the finish of each race.

31           G. The clerk of scales shall notify the stewards  
32 immediately if:

33                   (1) a jockey fails to arrive in the jockeys' room  
34 at the designated time;

35                   (2) a jockey does not present himself or herself  
36 to be weighed-in;

1 (3) a jockey is underweight or more than two  
2 pounds overweight, or if the jockey is guilty of any fraudulent  
3 practice with respect to weight or weighing;

4 (4) a jockey dismounts before reaching the  
5 scales, unless the jockey or the horse is ill or disabled; and

6 (5) the clerk of scales receives any complaint,  
7 objection, or protest from an owner, trainer, or jockey.

8 H. The clerk of scales shall notify the mutuels  
9 manager of every horse scratched pursuant to part 7883.0120.

10 I. The clerk of scales shall be responsible for  
11 maintaining and keeping up-to-date apprentice jockey's  
12 certificates and foreign jockey's declaration sheets.

13 Subp. 3. Starter. The starter shall have primary  
14 supervision over horses entered in any race from the moment they  
15 leave the paddock until the time that the start is effected.

16 A. The starter shall have radio or telephone  
17 communication with the stewards immediately available from the  
18 time the horses leave the paddock until the start is effected.  
19 The starter shall report to the stewards any disobedience of his  
20 or her orders or attempts to take unfair advantage at the  
21 starting gate.

22 B. The starter shall be responsible for providing a  
23 fair and equal start of all horses in a race by means of a  
24 starting gate. Whenever a horse is prevented from obtaining a  
25 fair start, the starter shall immediately notify the stewards.

26 C. The starter shall require and supervise schooling  
27 in the starting gate for any horse not sufficiently trained in  
28 starting gate procedures to ensure a fair and safe start. The  
29 starter shall maintain a list of any horses so ordered, and  
30 those horses shall be ineligible to start until they are  
31 sufficiently schooled in starting gate procedures and until the  
32 starter has removed their names from the schooling list.

33 D. The following starter's duties and  
34 responsibilities are applicable only to thoroughbred or quarter  
35 horse racing:

36 (1) The starter shall cause all horses to be

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1 loaded in order of post position, except for unruly horses,  
2 which may be loaded out of order with the consent of the  
3 stewards.

4 (2) The starter shall appoint and use the  
5 services of assistant starters as necessary, and shall daily  
6 change the gate position of each assistant starter without  
7 notice to the assistant starters until the field for the first  
8 race comes onto the track course.

9 (3) The starter shall honor the written request  
10 of the trainer not to allow an assistant starter to "tail" or  
11 "tong" a horse, insofar as practical. However, the starter  
12 shall instruct assistants to handle any horse when he or she  
13 deems such handling necessary for a safe, orderly start.

14 (4) The starter shall report the cause of any  
15 delayed start to the stewards. If a delay occurs at the post,  
16 the starter may permit the jockeys to dismount and the horses to  
17 be cared for during the delay; otherwise, jockeys shall not be  
18 permitted to dismount.

19 (5) The starter shall maintain a daily written  
20 record showing the names of all horses starting, the assistant  
21 starter who handled each horse, and any equipment other than a  
22 lead strap used for each horse. The record shall be made  
23 available to the stewards upon request.

24 (6) The starter shall observe anyone seeking an  
25 apprentice jockey's license breaking a horse from a starting  
26 gate in company with other horses. The starter shall report his  
27 or her observations to the stewards.

28 Subp. 4. Paddock judge. The paddock judge shall have the  
29 following responsibilities.

30 A. The paddock judge shall be in charge of the  
31 paddock, and shall notify the stewards of any apparent rule  
32 violation occurring in the paddock.

33 B. The paddock judge shall see that only authorized  
34 persons are in the paddock.

35 C. The paddock judge shall be responsible for the  
36 orderly saddling and equipping of all horses in any race. The

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1 saddling and equipping shall, in the case of thoroughbred  
2 racing, be open to public viewing and free from interference  
3 whenever possible. Horses shall leave the paddock for post in  
4 order of their program numbers.

5 D. The paddock judge shall assemble the horses in the  
6 paddock no later than 15 minutes before the scheduled post time  
7 for each thoroughbred race, and at least one hour before the  
8 scheduled post time for each harness race.

9 E. The paddock judge shall immediately report to the  
10 stewards the absence of, ineligibility of, or any other  
11 irregularity with respect to a horse or its equipment, ~~or the~~  
12 ~~paddock-judge's-inability-to-make-a-positive-identification-of-a~~  
13 horse.

14 F. The paddock judge shall inspect and maintain a  
15 written record of all equipment worn by each horse in a race,  
16 and shall approve all equipment changes. The paddock judge  
17 shall immediately notify the stewards of any change, violation,  
18 or defect relating to equipment.

19 G. The paddock judge shall inspect the bandages worn  
20 by all horses arriving in the paddock and may order the bandages  
21 removed or replaced if he or she has reason to believe that a  
22 violation of statute or rule has occurred, is occurring, or will  
23 occur.

24 (1) The paddock judge shall not allow a horse in  
25 the paddock if it is wearing bandages at knee level or higher.

26 (2) Paddock boots and all bandages, except those  
27 bandages that will be worn during a race, must be removed  
28 immediately upon arrival in the paddock so that a satisfactory  
29 examination may be assured.

30 H. The paddock judge shall immediately report to the  
31 commission veterinarian the infirmity or unsoundness of any  
32 horse.

33 I. The paddock judge shall immediately notify the  
34 stewards of the reason for any horse returning to the paddock  
35 after having entered the track course for the post parade and  
36 before the start of the race.

1 J. The paddock judge shall inspect and supervise the  
2 maintenance of emergency equipment kept in the paddock.

3 K. The paddock judge shall notify the stewards of any  
4 trainer or groom who leaves the paddock before the horse in his  
5 or her charge has left the paddock.

6 L. The paddock judge shall compile a schooling list  
7 of any horse that is fractious or unruly in the paddock, and  
8 shall supervise the paddock schooling of those horses.

9 Subp. 5. Identifier. The identifier shall check the  
10 identification of all horses entering the paddock by checking  
11 tattoo numbers, sex, color, and markings, and comparing those  
12 with documents of registration, eligibility, or breeding, as  
13 necessary to ascertain a horse's identity.

14 The identifier shall notify the stewards immediately upon  
15 detecting any discrepancy in a horse's tattoo numbers, markings,  
16 or other identifying characteristics.

17 The identifier shall supervise the identification of any  
18 horse ~~at-a-licensed-racetrack~~ on the grounds of an association  
19 before approving the horse for tattooing.

20 Subp. 6. Equipment inspector (harness). Each association  
21 shall employ a person in the paddock who shall be responsible to  
22 the paddock judge for maintaining a card that will list all  
23 equipment worn, including shoes, and the tattoo number for each  
24 horse racing at the meeting. The equipment inspector shall  
25 compare the equipment actually being used on the horse with the  
26 approved equipment listed on the card.

27 Subp. 7. Claims clerk. The claims clerk shall ensure that  
28 the claim slip for a horse is deposited in the claim box in  
29 accordance with part 7883.0140.

30 The claims clerk shall open the claim box, search for claim  
31 envelopes according to designated race numbers, open any  
32 envelopes found, and examine the claim slip inside no sooner  
33 than ten minutes before post time for each race.

34 The claims clerk shall ascertain whether:

35 A. errors exist in the form or deposit of the claim;

36 B. the claimant has established eligibility to claim;

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1 C. the claimant has the amount of the claim to his or  
2 her credit; and

3 D. persons acting on behalf of a claimant are  
4 authorized to do so.

5 The claims clerk shall immediately report all findings to  
6 the stewards, and shall issue a written authorization on behalf  
7 of the stewards for delivery of a horse to any claimant who is  
8 successful.

9 Subp. 8. Commission veterinarian. The commission  
10 veterinarian shall maintain a list of the following:

11 A. horses that are scratched because of illness or  
12 injury; and

13 B. horses that are pulled-up because of lameness or  
14 other injury during a race.

15 The commission veterinarian's list shall be posted in the  
16 racing secretary's office, and any horse whose name is on the  
17 list shall be ineligible to enter a race for at least five  
18 calendar days, or until the commission veterinarian removes it  
19 from the list, whichever is later.

20 The commission veterinarian shall conduct racing-soundness  
21 examinations pursuant to part 7891.0100. If the veterinarian  
22 finds that any horse is unfit to race he or she shall notify the  
23 stewards immediately.

24 The commission veterinarian shall supervise the operation  
25 of a barn for the detention and testing of horses after each  
26 race pursuant to chapter 7890.

27 The commission veterinarian shall have the authority to  
28 draw blood from any horse or pony ~~at-a-licensed-racetrack~~ on the  
29 grounds of an association for the purpose of conducting an  
30 Agar-Gel immunodiffusion (Coggins) test, and shall supervise the  
31 removal from the racetrack of any horse or pony having positive  
32 Coggins test results.

33 Subp. 9. Patrol judge. Patrol judges shall be stationed  
34 at elevated locations specified by the stewards, and shall  
35 observe the running of each race. In the case of harness  
36 racing, a patrol judge may serve as a roving patrol judge by

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1 riding in the starting gate and observing activity on the race  
2 course at all times during a race program.

3 Patrol judges shall be in communication with the stewards  
4 during every race, and shall immediately notify the stewards of:

5 A. every apparent violation of commission rules;

6 B. any action on the race course that could  
7 improperly affect the result of a race;

8 C. any indication of a forthcoming claim of foul or  
9 other complaint of violation of the commission's rules;

10 D. the lameness or unfitness of any horse;

11 E. any lack of or broken racing equipment; and

12 F. any unusual or illegal behavior of horses,  
13 jockeys, or drivers.

14 When instructed by the stewards, patrol judges shall be  
15 present at video reviews of races to confirm or to clarify  
16 reported observations.

17 Subp. 10. Placing judge. At least two placing judges  
18 shall view each race from a stand directly above the finish  
19 line, and shall determine the order of horses as they cross the  
20 finish line. In making that determination, the placing judges  
21 shall take note of the horses' numbers, racing colors, and  
22 distinguishing equipment, and shall determine the order of  
23 finish by considering only the noses of the horses.

24 The placing judges shall be responsible for having the  
25 numbers of the first four horses to cross the finish line  
26 displayed on the result board.

27 The placing judges shall announce their decisions promptly,  
28 and those decisions shall be final unless an objection to any  
29 horse placed within the purse is made and sustained. However,  
30 this rule shall not prevent the judges from correcting any  
31 mistakes, subject to the stewards' confirmation.

32 The placing judges shall use photographs from the  
33 racetrack's photo-finish camera as an aid in determining the  
34 order of horses as they cross the finish line. The placing  
35 judges shall use the photographs of all finishes in which the  
36 winning margin is less than half a length, or in which the

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1 horses are widely spaced across the race course. Copies of  
2 those photographs shall be posted in convenient locations for  
3 public inspection.

4 Subp. 11. Timer. A timer shall determine the official  
5 time of each race, which shall be the period from the time the  
6 first horse crosses the timing beam or track marker at the start  
7 of the race until the first horse crosses the finish line.

8 The timer shall verify the race time recorded by the  
9 racetrack's electric timing device. Should the timing device  
10 malfunction, the time shown on the watch of the timer shall be  
11 the official time of the race.

12 Subp. 12. Clocker (thoroughbred or quarter horse). A  
13 clocker shall accurately record all workouts on any race course  
14 at which a race meeting is being conducted, ~~or on any race~~  
15 ~~course used as a training facility for horses eligible to be~~  
16 ~~entered at the race meeting.~~

17 Upon order of the stewards, a clocker shall be able to  
18 demonstrate knowledge and proficiency in accurately recording  
19 times of horses working out.

20 A clocker shall present daily records to the racing  
21 secretary and the stewards, post for the benefit of the public  
22 daily records of all workouts clocked, and make a record of  
23 daily workout times available to the news media.

24 Subp. 13. Outrider. The outriders shall be responsible  
25 for the orderly conduct of horses on the race course during  
26 training and racing hours.

27 The outriders shall be present on the race course, mounted  
28 and ready to assist in the control of any unruly horse or to  
29 recapture any loose horse, at all times that horses are  
30 permitted on the race course.

31 The outriders shall escort to the post all horses starting  
32 in any race, and shall remain on duty until all horses on that  
33 program have been returned to their handlers.

34 Subp. 14. Jockeys' room custodian. The jockeys' or  
35 drivers' room custodian shall:

36 A. supervise the orderly conduct of business in the

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1 jockeys' or drivers' room;

2           B. maintain cleanliness and neatness in the jockeys'  
3 or drivers' room; and

4           C. be responsible for the care and storage of racing  
5 colors.

6           ~~Subp. 15. Jockey's agent. A jockey's agent shall keep a  
7 written record of all engagements made for jockeys he or she  
8 represents. The record shall be accurate and up to date, and  
9 shall be available at all times for inspection by the stewards.~~

10           ~~A jockey's agent shall give no more than two calls per race  
11 for any jockey represented. Any agent arranging two calls for a  
12 jockey in any race shall designate one of the engagements as a  
13 first call and the other as a second call.~~

14           ~~A jockey's agent shall be in the racing secretary's office,  
15 or shall check in with the racing secretary's office, at scratch  
16 time to confirm a jockey's commitments for the day's program.~~

17           ~~A jockey's agent shall notify the stewards in writing if he  
18 or she no longer intends to serve as agent for any jockey. When  
19 so notifying the stewards, the agent also shall turn over to the  
20 stewards a list of any unfulfilled engagements that he or she  
21 has made for the jockey.~~

22           Subp. ~~16~~ 15. Clerk of the course (harness). The clerk of  
23 the course shall keep the stewards' sheets on which he or she  
24 shall record the following information:

25           A. names of all horses entered and their eligibility  
26 numbers;

27           B. names of owners and drivers;

28           C. drivers' license numbers;

29           D. a record of each race, noting positions of horses  
30 at the finish;

31           E. names of scratched or ruled-out horses;

32           F. recorded times; and

33           G. all protests, penalties, and appeals.

34           The clerk of the course shall see that the stewards' sheets  
35 are signed, and shall forward copies of them to the commission  
36 not later than the next day.

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1 The clerk of the course shall check eligibility  
2 certificates before and after each race, and shall keep the  
3 certificates up-to-date.

4 When requested by an owner or owner's authorized agent, the  
5 clerk of the course shall return a horse's eligibility  
6 certificate after a race.

7 ~~Subp. 17. Horsepersons' bookkeeper. The horsepersons'~~  
8 ~~bookkeeper shall:~~

9 ~~A. be bonded;~~

10 ~~B. receive all stakes, entrance money, jockeys' fees,~~  
11 ~~drivers' fees, and purchase money in claiming races; and~~

12 ~~C. keep a complete and accurate record of all money~~  
13 ~~received, and make those records available for inspection by the~~  
14 ~~commission.~~

15 7877.0180 CONFLICTS.

16 Subpart 1. Racing officials. No racing official, other  
17 than a general manager, shall own any interest in a Minnesota  
18 racetrack at which he or she is serving as an official, and no  
19 racing official shall own any interest in a horse eligible to  
20 race at a meeting at which he or she serves as an official.

21 No racing official shall buy or sell for himself or  
22 herself, or as an agent for anyone else, any horse eligible to  
23 race at a meeting at which he or she serves as an official.

24 No racing official shall hold any interest in the contract  
25 of a jockey or apprentice jockey riding at a meeting at which  
26 the official serves.

27 No racing official shall buy or sell for another person any  
28 right to a contract of any jockey or apprentice jockey riding at  
29 a meeting at which the racing official serves.

30 No racing official shall wager money or anything of value  
31 on any race in Minnesota during his or her term of employment.

32 Subp. 2. Veterinarians. No veterinarian designated as an  
33 official at a race meeting shall treat or prescribe treatment  
34 for a horse racing at that meeting, except in emergencies or if  
35 no other veterinarian licensed by the commission is on the  
36 racetrack grounds of the association. In that case, the

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1 official veterinarian shall notify the commission of any  
2 compensation received.

3 7877.0185 APPLICABILITY OF RULES AND RULINGS.

4 Rules pertaining to Class C licensees and rulings against  
5 them shall apply equally to other persons if continued  
6 participation in an activity by the other person would  
7 circumvent the intent of a rule or ruling by permitting the  
8 person to serve, in essence, as a substitute for the ineligible  
9 licensee because:

10 A. the other person is legally liable for the conduct  
11 that violated the rule or is the subject of the ruling; or

12 B. the other person benefited financially from that  
13 conduct.

14 The fraudulent transfer of a horse in an effort to avoid  
15 application of a commission rule or ruling is prohibited.

16 CHAPTER 7878

17 MINNESOTA RACING COMMISSION

18 SECURITY OFFICERS

19 7878.0100 DEFINITIONS.

20 Subpart 1. **Scope.** For purposes of this chapter, the  
21 following words and phrases have the meanings given to them  
22 unless another intention clearly appears.

23 Subp. 2. **Appointing authority.** "Appointing authority"  
24 means the holder of a Class A, Class B, or Class D license  
25 issued by the commission.

26 Subp. 3. **Appointment.** "Appointment" means an official  
27 declaration by the appointing authority that it has engaged an  
28 individual as a security officer.

29 Subp. 4. **Basic course.** "Basic course" means a course for  
30 training security officers prior to the assumption of their  
31 official duties.

32 Subp. 5. **BCA.** "BCA" means the Minnesota Bureau of  
33 Criminal Apprehension.

34 Subp. 6. **Commission.** "Commission" means the Minnesota  
35 Racing Commission.

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1 Subp. 7. Continuing education. "Continuing education"  
2 means refresher training for security officers.

3 Subp. 8. Firearms course. "Firearms course" means a  
4 training course that includes instruction in the legal  
5 limitations on the use of deadly force conducted by a person who  
6 has completed a firearms instructor's course recognized by the  
7 Peace Officer Standards and Training Board.

8 Subp. 9. First aid course. "First aid course" means any  
9 of the following officially recognized courses: Red Cross  
10 advanced first aid, emergency medical technician, or EMS first  
11 responder.

12 Subp. 10. POST Board. "POST Board" means the Minnesota  
13 Peace Officer Standards and Training Board.

14 Subp. 11. Security officer. "Security officer" means a  
15 person whose principal duty is the protection of persons or  
16 property at a racetrack licensed by the commission.

17 7878.0110 MINIMUM SELECTION STANDARDS.

18 Subpart 1. Applicant must meet selection standards. A  
19 person eligible to be licensed by the commission as a security  
20 officer must be an employee of a Class A, Class B, or Class D  
21 licensee and shall meet the following minimum selection  
22 standards prior to being appointed a security officer. The  
23 appointing authority may certify that the applicant has already  
24 completed certain of these standards and provide documentation  
25 to that effect pursuant to subpart 2. In all cases, the  
26 security officer must:

- 27 A. be a citizen of the United States;
- 28 B. complete a comprehensive written application;
- 29 C. submit to a thorough background search by the BCA  
30 to disclose the existence of any criminal record or conduct  
31 which would adversely affect the performance of the security  
32 officer's duties;
- 33 D. not have been convicted of a felony in Minnesota  
34 (or in any other state or federal jurisdiction which would have  
35 been a felony if committed in Minnesota), or criminal theft, or  
36 a pari-mutuel horseracing or gambling crime;

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1 E. provide fingerprint cards to the commission, with  
2 duplicate cards provided to the BCA;

3 F. undergo a thorough medical examination conducted  
4 by a licensed physician to determine that the individual is free  
5 from any physical defect which might adversely affect his or her  
6 performance as a security officer;

7 G. undergo an evaluation made by a licensed  
8 psychologist to determine that the individual is free from any  
9 emotional or mental condition that might adversely affect his or  
10 her performance as a security officer; and

11 H. pass an oral examination conducted by the  
12 appointing authority to demonstrate the existence of  
13 communication skills necessary to perform the duties and  
14 functions of a security officer.

15 Subp. 2. Documentation subject to review by commission.

16 The appointing authority shall maintain documentation the  
17 commission deems necessary to show compliance with this  
18 chapter. The documentation is subject to periodic review by the  
19 commission and shall be made available upon request.

20 7878.0120 LICENSING OF SECURITY OFFICERS.

21 Subpart 1. Notice of intent. The appointing authority  
22 shall notify the commission of its intention to employ a  
23 security officer prior to his or her first day of employment.  
24 Notification shall be made on a form prescribed by the  
25 commission, along with an affirmation that the prospective  
26 appointee has met all the selection standards in part 7878.0110,  
27 subpart 1.

28 Subp. 2. Applicant shall apply for Class C license. If  
29 the prospective appointee does not already possess a Class C  
30 license as a security officer, he or she shall apply for such a  
31 license on a form prescribed by the commission. The applicant  
32 and the appointing authority shall affirm that the individual is  
33 eligible to be licensed as a security officer. The applicant  
34 shall also submit the license fee required by subpart 4.

35 Subp. 3. Duration of license. The commission may issue a  
36 Class C license to an applicant who has complied with the

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1 requirements in part 7878.0110, subpart 1, and whose  
 2 affirmations are consistent with the commission's records. The  
 3 period of licensure is for one year from date of issuance.

4 Subp. 4. License fee. The license fee for a Class C  
 5 security officer's license is \$25.

6 7878.0130 BASIC COURSE.

7 Subpart 1. Applicant shall successfully complete basic  
 8 course. No security officer may be licensed unless the officer  
 9 or his or her appointing authority furnishes proof to the  
 10 commission that the prospective licensee has successfully  
 11 completed a basic course which includes at least 40 hours of  
 12 instruction in the following subject areas:

- 13 A. Minnesota criminal statutes;
- 14 B. Minnesota horse racing statutes;
- 15 C. criminal procedure;
- 16 D. rights of individuals (constitutional law);
- 17 E. human behavior;
- 18 F. security operations and procedures;
- 19 G. first aid;
- 20 H. firearms;
- 21 I. defense tactics;
- 22 J. report writing; and
- 23 K. testifying.

24 Subp. 2. Commission may waive requirements. Participation  
 25 or continued instruction in a particular subject area listed in  
 26 subpart 1 may must be waived by the commission if the individual  
 27 shows satisfactory evidence that he or she is licensed or  
 28 eligible to be licensed by the POST Board.

29 Subp. 3. Appointing authority shall maintain information.  
 30 The appointing authority shall be responsible for maintaining  
 31 and making available to the commission pertinent information on  
 32 courses of instruction and persons employed as security officers.

33 7878.0140 CONTINUING EDUCATION.

34 Subpart 1. Licensee shall successfully complete refresher  
 35 training. No security officer's license may be renewed unless

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1 the licensee or his or her appointing authority furnishes the  
2 commission proof that the licensee has successfully completed,  
3 on an annual basis, at least 20 hours of refresher training in  
4 the areas of:

- 5 A. physical protection;
- 6 B. laws of arrest;
- 7 C. constitutional law;
- 8 D. handling of citizen complaints;
- 9 E. firearms training; and
- 10 F. first aid.

11 Subp. 2. Commission must approve courses. Prior to  
12 receiving credit for course approval, the appointing authority  
13 or the licensee must submit to the commission a detailed outline  
14 of the course and the instructors' credentials. All POST Board  
15 certified courses will be considered by the commission to be  
16 approved continuing education courses. Approval must be gained  
17 from the commission ten days prior to commencement of the  
18 course. Upon approval, the commission shall issue a letter to  
19 the appointing authority. Approval of continuing education  
20 courses shall be based on relevance to knowledge, skills, and  
21 abilities needed for security officers. Approved courses of  
22 continuing education credit will be granted at the rate of one  
23 hour for each 50 minutes of class sessions.

24 7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

25 Subpart 1. Certain licensees must be POST Board licensed  
26 or POST Board eligible. Any security officer who carries a  
27 firearm or whose principal duty is to investigate violations of  
28 statutes or rules must be licensed or eligible to be licensed as  
29 a peace officer by the POST Board.

30 Subp. 2. Restrictions on security officers. No security  
31 officer may:

- 32 A. use deadly force unless authorized, or use  
33 unreasonable force;
- 34 B. obstruct, hinder, interfere, or prevent an  
35 investigation by the commission or a law enforcement agency;
- 36 C. linger on the backstretch while off-duty; or

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1 D. while on duty, place a bet on a race run at by the  
2 racetrack association where he or she is employed.

3 7878.0160 SECURITY COOPERATION.

4 Class A, Class B, and Class D licensees and all security  
5 officers must cooperate fully with federal, state, and local law  
6 enforcement agencies with jurisdiction to enforce criminal laws  
7 at horse racing facilities, and must report promptly all crimes  
8 suspected, investigated, or prevented at a licensed racetrack to  
9 the BCA.

10 CHAPTER 7883

11 MINNESOTA RACING COMMISSION

12 THOROUGHBRED AND QUARTER HORSE RACES

13 7883.0100 ENTRIES AND SUBSCRIPTIONS.

14 Subpart 1. Ownership. When a person is excluded from a  
15 racetrack or has his or her license or suspended, every horse  
16 owned in whole or in part or under the care and control of that  
17 person shall be ineligible to be entered or start in any race  
18 until the horse has been reinstated, either by the expiration of  
19 the owner's penalty or by the transfer through bona fide sale to  
20 an owner approved by the stewards. Such person whether acting  
21 as agent or otherwise, shall not be qualified to subscribe for,  
22 or to enter or run any horse in any race either in his or her  
23 own name or in that of any other person until expiration of such  
24 penalty.

25 Subp. 2. Horse must be registered and eligible. No horse  
26 shall be permitted to enter or start unless:

27 A. it is duly registered with and approved by the  
28 registry office of The Jockey Club (New York) or the American  
29 Quarter Horse Association;

30 B. its registration certificate showing the tattoo  
31 number of the horse is filed with the racing secretary by  
32 scratch time for that race, except in stakes races the  
33 registration certificate must be filed not less than two hours  
34 prior to the scheduled post time for the stakes race;

35 C. it is owned by a licensed owner and is in the care

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1 of a licensed trainer;

2 D. at the time of entry, the horse is eligible for  
3 the conditions of the race as specified by the racing secretary  
4 and remains eligible until the race; and

5 E. if a horse's name is changed, its new name shall  
6 be registered with The Jockey Club (New York) or the American  
7 Quarter Horse Association and its old, as well as its new name,  
8 shall be given in every entry list until it has run three races,  
9 and both names must be printed in the official program for those  
10 three races.

11 Subp. 3. Procedure for first time entrants. If entered  
12 for the first time at a race meeting, a horse shall be  
13 identified by stating its name, color, sex, age, and the name of  
14 its sire or sires and dam as registered. In every race  
15 thereafter, sufficient description shall be deemed to be  
16 provided if the name, color, sex, and age of a horse is  
17 furnished.

18 Subp. 4. Entering procedure. Nominations and entries  
19 shall be made in writing and signed by the owner or trainer of  
20 the horse, or the owner's authorized agent. Each association  
21 shall provide forms on which entries, scratches, and  
22 declarations are to be made for all races.

23 A. The racing secretary is and his or her designees  
24 are the only person persons authorized to receive entries,  
25 scratches, and declarations.

26 B. Entries may be made by telephone or telegraph, but  
27 shall be confirmed promptly in writing.

28 C. In the case of sweepstakes, the closing of  
29 nominations, entries, interim payments, and declarations shall  
30 be in accordance with the conditions published by the  
31 association sponsoring the race.

32 D. A signed entry blank shall be prima facie evidence  
33 that the contents of the entry blank express the desires and  
34 intent of the person making entry.

35 Subp. 5. Entrance money. The nominator is liable for  
36 entrance money or stakes, and a mistake in the entry of a horse

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1 when eligible does not release the subscriber or transferee from  
2 liability for stakes or entrance money. Entrance money is not  
3 refunded on the death of a horse, nor on its failure to start.

4 Subp. 6. Prohibited entries. No person shall:

5 A. enter in his or her name a horse of which he or  
6 she is not the actual owner;

7 B. enter or cause to be entered, or start a horse  
8 which he or she knows or believes to be ineligible or  
9 disqualified;

10 C. enter a horse in more than one race on any day,  
11 stakes races excepted;

12 D. enter in a race a horse if it is wholly, or partly  
13 owned by, trained by, or under the management of an unlicensed  
14 person, a person whose license is under suspension, or a person  
15 who acts in concert with or under the control of a person whose  
16 license is under suspension. If any entry from an unlicensed  
17 person or a person whose license is under suspension or of an  
18 ineligible horse is received, the entry shall be void and any  
19 money paid for the entry shall be ~~returned-if-the-facts-are~~  
20 ~~disclosed-one-hour-before-post-time-for-the-race;-otherwise,~~  
21 ~~such-money-shall-be~~ paid to the winner.

22 Subp. 7. Coupled entries. Except in stakes races and  
23 races which are conditioned for horses eligible for specified  
24 stakes, not more than two horses of the same licensed ownership  
25 or interest shall be entered and started in a race.

26 A. No trainer shall enter more than two horses in an  
27 overnight event, and in no case shall two horses start to the  
28 exclusion of a single entry.

29 B. Not more than two horses trained by the same  
30 trainer shall be drawn into any overnight race or placed on the  
31 also eligible list to the exclusion of another horse, except in  
32 split races.

33 C. Horses trained by a public stable trainer shall  
34 not be coupled with horses trained by another public stable  
35 trainer unless the horses in question are owned by the same  
36 person or are coupled as a field for wagering purposes.

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1 D. All horses owned wholly or in part by the same  
2 person, or his or her spouse, or trained by the same trainer,  
3 shall be coupled and run as an entry.

4 E. Notwithstanding items A to D, where two or more  
5 horses are coupled as an entry only for the reason that the  
6 horses are trained by the same trainer, the association may run  
7 those horses as separate interests.

8 Subp. 8. Changing of races. Each association shall have  
9 the right to withdraw or change any race with the permission of  
10 the stewards. If a race is declared off because of insufficient  
11 entries, the association may split any other race.

12 Subp. 9. Closing of entries. When an hour for closing is  
13 designated, entries and declarations for sweepstakes may not be  
14 considered if received afterwards. If an hour is not  
15 designated, entries and declarations may be mailed or  
16 telegraphed up to midnight of the day of closing, provided they  
17 are received in time for compliance with every other condition  
18 of the race.

19 Subp. 10. Loss of entries. A person who alleges loss of  
20 an entry or declaration in a stakes race must provide  
21 satisfactory proof that it was mailed or telegraphed within a  
22 reasonable time before the designated time for closing or it  
23 shall not be considered received.

24 Subp. 11. Drawing of entries. The drawing of entries for  
25 post positions shall be governed by the following procedures.

26 A. When entries exceed the permitted number of  
27 starters, the number of starters shall be reduced to the proper  
28 number by lot. Lots may be drawn for the entire race or for  
29 each division of the race at the option of the association.

30 B. Each day after the entries have been closed, the  
31 racing secretary shall designate from an owner or trainer  
32 present in the entry office to draw the entry sheets and post  
33 position numbers. In every case, the entry shall be drawn from  
34 its approved receptacle before the number ball is released from  
35 the number box.

36 C. In divided races the starters in the separate

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1 divisions shall be determined by lot.

2 Subp. 12. Deceased owners. Nominations, entries, and  
3 rights of nomination and entry of a deceased owner shall be  
4 exercisable by and transferable by the deceased's personal  
5 representative subject to compliance with all applicable rules  
6 of the commission. The personal representative of a deceased  
7 owner shall be deemed to hold an owner's license with respect to  
8 horses belonging to the estate of the deceased until the  
9 commission declares that such owner's license is no longer in  
10 effect.

11 In the case of the death of a member of a multiple owner,  
12 nominations, entries, and rights of nomination and entry shall  
13 continue and may be exercised by the remaining members of the  
14 multiple owner or any of them.

15 Nominations and all entries or rights of entry under them  
16 become void on the death of the nominator, except in cases of  
17 multiple owners, or except with approval of the stewards when  
18 the personal representative of an estate in writing requests  
19 that the benefits of the nominations accrue to the estate of the  
20 deceased nominator for the purpose of selling or transferring a  
21 horse, and such representative agrees to assume any and all  
22 obligations incident to the original entries.

23 Subp. 13. Prohibitions on horses sold or transferred with  
24 engagements. Should a horse be sold with engagements, the  
25 seller shall not strike the horse out of any such engagements.

26 If, when a horse is sold or transferred or deemed to be  
27 sold or transferred with its engagements, the racing secretary  
28 requires evidence of such sale or transfer, the failure to  
29 produce such evidence shall render the horse ineligible to start  
30 in any stakes race.

31 No person shall make or receive the transfer of a horse or  
32 engagement for the purpose of avoiding disqualification.

33 Subp. 14. Responsibility for eligibility. A trainer shall  
34 be responsible for the eligibility of horses entered by him or  
35 her or his or her authorized agent, and an owner shall be  
36 responsible for the eligibility of horses personally entered by

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1 the owner.

2 Subp. 15. Horse must be properly entered. A horse shall  
3 not be qualified to start in any race unless it has been and  
4 continues to be properly entered therein. A horse which is  
5 improperly entered shall not be entitled to any part of the  
6 purse, but once the "Official" sign is posted, this rule shall  
7 in no way affect the wagering on the race.

8 Subp. 16. Workout requirements. In order to be eligible:

9 A. A horse which has not started for a period of 45  
10 days or more shall not be eligible to be entered until it has  
11 completed one timed workout ~~satisfactory-to-the-stewards~~ prior  
12 to the entry date. Any workout following the entry of a horse  
13 shall appear on the official daily racing program or shall be  
14 posted for the public.

15 B. Horses that have not started within 60 days of  
16 time of entry into a race must have a minimum of two timed  
17 workouts ~~satisfactory-to-the-stewards~~ prior to entering in any  
18 race.

19 C. First-time starters must have three gate approvals  
20 and a minimum of two timed workouts ~~satisfactory-to-the-stewards~~  
21 prior to the entry date.

22 Subp. 17. Refused entries. The nominations and entries of  
23 any person or transfer of any nomination or entry may be refused  
24 by the association for reasonable cause.

25 7883.0110 PREFERENCE SYSTEM.

26 Subpart 1. Preferred list. The racing secretary shall  
27 keep a list of all horses excluded from races because of too  
28 many entries, and such horses are to have preference in any race  
29 in which they may afterwards be entered in accordance with the  
30 rules adopted by the racing secretary for the meeting and  
31 approved by the stewards. This shall be known as the "preferred  
32 list."

33 Subp. 2. In-today horses. When a horse is entered on one  
34 day and has an opportunity to start other than in a stakes race  
35 and is also entered for the following race day, the second entry  
36 will be an "in-today" and will not be considered unless the race

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1 underfills, nor will such horse be considered on the preferred  
2 list.

3 Subp. 3. Second part of entry preferred over in-today  
4 horse. The second part of an entry shall receive preference  
5 over an "in-today" on the also eligible list in case the race  
6 overfills.

7 Subp. 4. Preference forfeited. No horse's name shall be  
8 placed on the preferred list and all preference shall be  
9 forfeited if the owner did not accept, when presented, the  
10 opportunity of starting.

11 7883.0120 DECLARATIONS AND SCRATCHES.

12 Subpart 1. Procedure for scratching horses. Scratches and  
13 declarations shall be made in writing and signed by the owner or  
14 trainer of the horse, or the owner's authorized agent. Each  
15 association shall provide forms on which scratches and  
16 declarations are to be made, and for all races:

17 A. no horse shall be scratched without permission of  
18 stewards;

19 B. all scratches shall be made by scratch time,  
20 designated by the association, except as provided by subparts 2  
21 to 5;

22 C. should scratches reduce the body of a race, the  
23 horses left in the race shall move into the lower numbered post  
24 positions before any horses are drawn from the "also eligibles";  
25 and

26 D. should scratches reduce the number of horses in a  
27 race below the number designated by the association, then such  
28 designated number of horses will be maintained by the drawing of  
29 lots from the "also eligibles" list after scratches have  
30 occurred and the horses so drawn will be required to race.

31 Subp. 2. Scratches from stakes races. A scratch from an  
32 early-closing stakes race shall be made not less than 45 minutes  
33 before post time of the race.

34 Subp. 3. Horse must be entered in stakes race. In a  
35 stakes race, if a horse is not named through the entry box at  
36 the usual time of closing, the horse is automatically

1 Subp. 4. Nomination may be altered or withdrawn. A  
2 nomination of a horse to a sweepstakes may be altered or  
3 withdrawn at any time prior to the closing time for nominations.

4 Subp. 5. Stewards may permit withdrawal. Notwithstanding  
5 subpart 1, item B, the stewards may permit the withdrawal of any  
6 horse after weighing out for any reason which they determine to  
7 be in the best interests of racing.

8 Subp. 6. Horse declared nonstarter. The stewards shall  
9 have the authority to declare that a horse is not a starter if  
10 they determine that any occurrence before the running of a race  
11 calls for such action by them.

12 Subp. 7. Declarations are irrevocable. The declaration of  
13 a horse out of an engagement is irrevocable.

14 7883.0130 PENALTIES AND ALLOWANCES.

15 Subpart 1. Determining penalties and allowances.

16 Penalties and allowances shall be determined as follows.

17 A. Penalties and allowances are not cumulative,  
18 unless so declared by the conditions of the race, and shall take  
19 effect at the time of starting, except that in overnight events  
20 a horse will have only the allowance to which it was entitled at  
21 the time of entry.

22 B. Penalties are obligatory; allowances are optional  
23 as to all or part thereof, and in overnight events must be  
24 claimed at the time of entry.

25 C. No horse shall receive allowance of weight nor be  
26 relieved from extra weight for having been beaten in one or more  
27 races, but this rule shall not prohibit maiden allowance or  
28 allowances to horses that have not won a race within a specified  
29 period or a race of specified value.

30 D. Failure to claim a weight allowance by oversight  
31 or omission is not cause for disqualification. Claims of weight  
32 allowance to which a horse is not entitled shall not disqualify  
33 unless such incorrect weight is carried in the race. However, a  
34 fine may be imposed upon the person claiming allowance to which  
35 his or her horse is not entitled.

36 E. Eligibility, penalties, and allowances of weight

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1 for all races will be determined only from the reports, records,  
 2 and statistics published by the Daily Racing Form, and from  
 3 information contained on Jockey Club (New York) foal  
 4 certificates; but responsibility for weight carried and  
 5 eligibility still remain with the owner and trainer as provided  
 6 in part 7883.0100, subpart 15.

7 F. No horse shall incur a weight penalty for  
 8 placement from which it is disqualified, but a horse placed  
 9 through the disqualification of another horse shall incur the  
 10 weight penalties of that placement. No such placement shall  
 11 make a horse ineligible to a race which has already been run.

12 G. When a race is in dispute, both the horse that  
 13 finished first and any horse claiming the race shall be liable  
 14 to all penalties attached to the winner of that race until the  
 15 matter is decided.

16 Subp. 2. Scale of weights or weight for age. Races  
 17 written to be run under "scale of weights" or "weight for age"  
 18 shall be run under the following weights:

19	Years										
	20	of	Jan	Mar						Nov	
21	Distance	Age	Feb	Apr	May	Jun	Jul	Aug	Sep	Oct	Dec
22											
23	Half mile	2	...	...	...	...	...	105	108	111	114
24		3	117	119	121	123	125	126	127	128	129
25		4	130	130	130	130	130	130	130	130	130
26		5 & up	130	130	130	130	130	130	130	130	130
27											
28	Six	2	...	...	...	...	...	102	105	108	111
29	furlongs	3	114	117	119	121	123	125	126	127	128
30		4	129	130	130	130	130	130	130	130	130
31		5 & up	130	130	130	130	130	130	130	130	130
32											
33	One mile	2	...	...	...	...	...	...	96	99	102
34		3	107	111	113	115	117	119	121	122	123
35		4	127	128	127	126	126	126	126	126	126
36		5 & up	128	128	127	126	126	126	126	126	126

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1											
2	One and a	2	...	...	...	...	...	...	...	...	...
3	quarter	3	101	107	111	113	116	118	120	121	122
4	mile	4	125	127	127	126	126	126	126	126	126
5		5 & up	127	127	127	126	126	126	126	126	126
6											
7	One and a	2	...	...	...	...	...	...	...	...	...
8	half miles	3	98	104	108	111	114	117	119	121	122
9		4	124	126	126	126	126	126	126	126	126
10		5 & up	126	126	126	126	126	126	126	126	126
11											
12	Two miles	3	96	102	106	109	112	114	117	119	120
13		4	124	126	126	126	126	125	125	124	124
14		5	126	126	126	126	126	125	125	124	124
15											

16 Subp. 3. Racing secretary may write alternate weights. It  
 17 shall be within the discretion of the racing secretary to write  
 18 races either above or below the "scale of weights."

19 Subp. 4. Sex allowance. In all races against male horses,  
 20 except handicaps and races where the conditions expressly state  
 21 to the contrary, fillies two years old are allowed three pounds  
 22 and fillies and mares three years old and upward are allowed  
 23 five pounds before September 1 and three pounds thereafter.

24 7883.0140 CLAIMING RACES.

25 Subpart 1. Who may claim. In claiming races any horse is  
 26 subject to claim for its entered price by any person who is  
 27 eligible to claim or by his or her authorized agent. The  
 28 following persons shall be eligible to claim:

29 A. A licensed owner who has a horse registered to  
 30 race at the current meeting.

31 B. A licensed owner who lost his or her last horse  
 32 through fire, misfortune, or claim, may nevertheless claim (if  
 33 he or she is otherwise eligible) for 30 racing days after he or  
 34 she has lost his or her last horse. The 30 racing days may  
 35 extend from one racing season to the next. A person claiming  
 36 under this item is required to establish eligibility to claim

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1 with the stewards and to receive his or her confirmation in  
2 writing prior to making a claim.

3 C. An applicant for an owner's license who is  
4 approved by the stewards may be granted a claiming authorization.  
5 Each application for a claiming authorization must be signed by  
6 the prospective trainer who must be licensed by the commission.  
7 Under no circumstances shall the claiming authorization be  
8 issued until a background investigation, not to exceed ten days  
9 after filing the application, has been completed. An owner's  
10 license will not be granted until after the claiming  
11 authorization has been executed. Once the applicant has been  
12 granted a claiming authorization, he or she may open an account  
13 with the horsepersons' bookkeeper.

14 D. An applicant for an owner's license who has not  
15 previously had a horse registered to race at the current meeting  
16 and who purchases a horse registered to race by private sale,  
17 provided that 21 calendar days, not including the date of the  
18 sale, have elapsed between the date of the private sale and the  
19 date of the claim.

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

24 A. the name of the track;

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

27 C. a time stamp provided by the track for that  
28 purpose reflecting that the claim was made not later than ten  
29 minutes prior to the post time of the race in which the horse to  
30 be claimed is entered.

31 Subp. 3. **Examination of claim envelopes.** The claims clerk  
32 shall open the claim box, search for, open, and examine the  
33 claim envelopes no sooner than ten minutes prior to post time  
34 for each race.

35 Subp. 4. **Information shall not be divulged.** No  
36 information concerning such claims shall be divulged to anyone

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1 other than the racing secretary's staff and the horsepersons'  
2 bookkeeper until after the race has been run.

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

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

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

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

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

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

21 D. the claim envelope is inaccurate.

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

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

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

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

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

33 D. remove any horse which has been entered in a  
34 claiming race from the ~~racetrack~~ grounds of the association  
35 where it has been entered to race, or fail or refuse to comply  
36 with any rule or any condition of the meeting for the purpose of

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1 avoiding or preventing a claim for such horse;

2 E. offer or enter into an agreement to claim or not  
3 to claim or attempt to prevent another person from claiming any  
4 horse in a claiming race;

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

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

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

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

14 J. enter, or allow to be entered, any horse against  
15 which any claim is held, either by mortgage or lien of any kind  
16 without, prior to entering, having filed the written consent of  
17 the holder of the mortgage or lien with the racing secretary and  
18 horsepersons' bookkeeper.

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

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

30 Subp. 12. Disclosure of bred mare. If a filly or mare has  
31 been bred, she is ineligible to be entered into a claiming race  
32 unless:

33 A. full disclosure of that fact is on file with and  
34 posted in the office of the racing secretary; and

35 B. the breeding slip has been deposited with the  
36 racing secretary; and

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1 C. all payments due for the service in question and  
2 for any live progeny resulting from that service are paid in  
3 full; and

4 D. the release of the breeding slip to the successful  
5 claimant at the time of the claim is guaranteed; or

6 E. in the alternative to items A to D, a licensed  
7 veterinarian's certificate dated at least 40 days after the last  
8 breeding of the mare or filly is on file with the racing  
9 secretary stating that the mare or filly is not in foal.

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

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

18 Subp. 15. Protest of claim. Not later than the next  
19 racing day after the race was run, a written protest of a claim  
20 may be submitted to the stewards who shall investigate the  
21 matter as quickly as possible.

22 Subp. 16. Title to claimed horse. Title to a horse which  
23 is claimed shall be vested in the successful claimant from the  
24 time the field has entered the racing-strip course for the race  
25 in which the horse is scheduled to run, unless the race is  
26 canceled or the horse is excused by the stewards. The claimant  
27 shall then become the owner of the horse whether it be alive or  
28 dead, sound or unsound, or injured during the race or after it.

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

32 Subp. 18. Claimed horse to be delivered. Upon  
33 presentation of a written authorization from the racing  
34 secretary, the claimed horse shall be delivered by the original  
35 owner to the successful claimant without altering or removing  
36 the horse's shoes.

1 Subp. 19. Responsibility for post-race analysis. A  
2 trainer whose horse has been claimed and is designated for  
3 post-race testing remains responsible for the horse until after  
4 collection of the blood and/or urine specimens at the detention  
5 barn where delivery shall be made to the successful claimant.

6 Subp. 20. Excused horse eligible to be claimed for same  
7 claiming price in next start. If, in a claiming race, a horse  
8 is excused by the stewards, any claim or claims for the horse  
9 will be void. However, such a horse, in its next start, must  
10 race in a claiming race for a claiming price not greater than  
11 the amount for which it could have been claimed in the race from  
12 which it was excused. Should the horse be entered in an  
13 allowance or stakes race in its next start, said horse shall be  
14 subject to claim for the claiming price from the previous race  
15 from which it was excused. The provisions of this subpart shall  
16 apply for a period of 90 days from the date of the claiming race  
17 in which the horse was excused.

18 Subp. 21. Claimed horse must race for higher claiming  
19 price. For a period of 30 days after being claimed, a  
20 thoroughbred or quarter horse shall not start in a race in which  
21 the eligibility price is less than 25 percent more than the  
22 price at which it was claimed. The day claimed shall not count,  
23 and the horse may be entered whenever necessary so that it may  
24 start on the 31st calendar day following the original claim for  
25 any claiming price. In thoroughbred racing, this provision  
26 shall apply to starter handicaps and starter allowances.

27 Subp. 22. Claimed horse shall race at track claimed. No  
28 claimed horse shall race at any other racetrack until after the  
29 close of the race meeting at which it was claimed, or for 60  
30 days, whichever is shorter, except to fulfill a previously  
31 committed stakes engagement.

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

36 Subp. 24. Recognition of other racing jurisdictions!

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1 claiming rules. When a horse is claimed at a recognized meeting  
2 governed by the rules of another racing jurisdiction, Minnesota  
3 shall recognize ~~title-to~~ the claiming rules of the jurisdiction  
4 where the horse under-these-rules was claimed. However, while  
5 racing in Minnesota, such a horse must comply with this part.

6 Subp. 25. Charity meetings. When a charity meeting and a  
7 regular meeting are run consecutively, they shall be considered  
8 as one for claiming purposes.

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

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

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

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

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

29 Subp. 28. Claiming authorization fee. The same fee  
30 charged for an owner's license shall be payable to the  
31 commission by the applicant prior to issuance of a claiming  
32 authorization. The holder of a claiming authorization shall  
33 not, by virtue thereof, be entitled to admission to the  
34 grandstand, clubhouse, or other spectator facility at prices  
35 less than those charged the general public. A holder of a  
36 claiming authorization who has not previously been granted an



1 owner's license will be issued an owner's license without  
2 payment of any additional fees.

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

9 Subp. 29. Claiming prices for harness race horses. In  
10 standardbred racing, the following allowances shall be  
11 applicable with respect to claiming price:

12 A. For mares racing against colts or geldings, add 20  
13 percent.

14 B. For two-year olds racing against older horses, add  
15 100 percent.

16 C. For three-year olds racing against older horses,  
17 add 50 percent.

18 D. For four-year olds racing against older horses,  
19 add 25 percent.

20 E. Spayed mares shall not receive any sex allowance.

21 Subp. 30. Claiming races may be conditioned. Races  
22 strictly for two-year olds or three-year olds may be  
23 conditioned. Races for the lowest claiming price at a meeting  
24 may be conditioned.

25 7883.0150 PADDOCK TO POST.

26 Subpart 1. Horses must have identifying equipment. In a  
27 race each horse must carry a conspicuous saddle-cloth number and  
28 a head number corresponding to its number on the official  
29 program. In the case of any entry each horse making up the  
30 entry shall carry the same number (head and saddle-cloth) as the  
31 first part of the entry, along with a distinguishing letter, for  
32 example: 1, 1a, or 1b. In the case of a field, the horses  
33 comprising the field shall carry an individual number, for  
34 example: 10, 11, 12; or a particular number followed by a  
35 distinguishing letter 10, 10A, 10B, or 10C.

36 Subp. 2. Trainer to have horse in paddock. ~~Attorney~~

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1 shall have his or her horses in the paddock not less than 15  
2 minutes before post time. The trainer shall also attend his or  
3 her horse in the paddock and be present to supervise its  
4 saddling, unless he or she has obtained permission of a steward  
5 to send an assistant trainer or another trainer as a  
6 substitute. Every horse must be saddled in the paddock unless  
7 permission has been granted by the stewards to saddle elsewhere.

8 Subp. 3. Bandages and blankets. Immediately upon arrival  
9 in the paddock, all blankets and bandages, except those bandages  
10 that will be worn during a race, must be removed. Should  
11 weather conditions so dictate, blankets may be worn after  
12 saddling with permission of the paddock judge. After saddling,  
13 all horses must be walked to allow a satisfactory examination.

14 Subp. 4. Horses excused from parading. The stewards may  
15 permit a horse to be excused from parading with the other horses  
16 and be led to the post, but such horse shall nevertheless pass  
17 the stewards' stand on its way to the post.

18 Subp. 5. Lead ponies. Lead ponies and their riders shall  
19 be permitted to enter the saddling paddock or walking ring only  
20 with the permission of the stewards.

21 Subp. 6. Duration of post-parade. After entering the  
22 track course not more than 14 minutes shall be consumed in the  
23 parade of the horses to the post except in cases of unavoidable  
24 delay. After passing the steward's stand once, horses will be  
25 allowed to break formation and canter, warm up, or go as they  
26 please to the post unless otherwise directed by the stewards.  
27 When the horses have reached the post, they will be started  
28 without unnecessary delay.

29 Subp. 7. Horses must be free of attendants. After the  
30 horses enter the track course, no jockey shall dismount and no  
31 horse shall be entitled to the care of an attendant without  
32 consent of the stewards or the starter, and the horse must be  
33 free of all hands other than those of the jockey or assistant  
34 starter before the field is dispatched by the starter. In case  
35 of accident to a jockey or to his or her mount or equipment, the  
36 stewards or the starter may permit the affected jockey to

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1 dismount and the horse to be cared for during the delay, and may  
2 permit all other jockeys to dismount and all other horses to be  
3 attended during the delay.

4 Subp. 8. Horse must carry weight from paddock to post.  
5 Each horse must carry its assigned weight from paddock to post  
6 and from post to finish. If a jockey is thrown on the way from  
7 the paddock to the post, the horse must be remounted, returned  
8 to the point where the jockey was thrown, and then proceed over  
9 the route of the parade to the post.

10 Subp. 9. Injury to jockey. If the jockey is so injured on  
11 the way to the post to require substitution of another jockey,  
12 the horse shall be returned to the paddock, another jockey  
13 mounted, and then ridden over any uncompleted portion of the  
14 exact route of the parade to the starting point.

15 Subp. 10. Horse leaves race course. If a horse leaves the  
16 course while moving from paddock to post, it shall return to the  
17 course at the nearest practical point to that at which it left  
18 the course, and shall complete its parade to the post from the  
19 point at which it left the course.

20 Subp. 11. No willful delays. No person shall willfully  
21 delay the arrival of a horse at the post.

22 Subp. 12. Prohibition on assisting a start. No person  
23 other than the jockey, starter, or assistant starter shall be  
24 permitted to strike a horse or attempt by shouting or otherwise  
25 to assist it in getting a start.

26 7883.0160 POST TO FINISH.

27 Subpart 1. Horse must be tattooed. No horse shall be  
28 permitted to start unless it has been tattooed and fully  
29 identified.

30 Subp. 2. Horses must load in post position. Horses shall  
31 take their positions in numerical order from the inside rail,  
32 that order to be determined by post positions.

33 Subp. 3. Horse deemed a starter. A horse is a starter for  
34 all purposes of the commission's rules when the stall doors of  
35 the starting gate open in front of it at the time the starter  
36 dispatches the horses in a valid start.

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1 Subp. 4. All horses shall be ridden out. All horses shall  
2 be ridden out past the finish line in every race and must carry  
3 their assigned weight from the post to finish.

4 Subp. 5. Horse shall not leave course. If during a race a  
5 horse leaves the course, it shall be disqualified.

6 Subp. 6. Interference and willful fouling. The following  
7 rules shall apply with respect to the running of a race.

8 A. When clear, a horse may be taken to any part of  
9 the course but no horse shall cross or weave in front of other  
10 horses in such a way as to impede them or constitute or cause  
11 interference or intimidation such that it would affect the  
12 outcome of the race.

13 B. If a horse or jockey jostles another horse such  
14 that it would affect the outcome of the race, the aggressor may  
15 be disqualified, unless the jostled horse or its jockey was  
16 partly at fault, or the jostling was wholly caused by some other  
17 horse or jockey.

18 C. During a race no jockey shall willfully strike or  
19 touch another jockey or another jockey's horse or equipment for  
20 the purpose of interfering with that horse or jockey, nor shall  
21 a jockey strike his or her horse on or about the head area.

22 D. For willful fouling or careless riding a rider may  
23 be fined or set down or both by the stewards according to the  
24 nature and seriousness of the offense.

25 E. A jockey whose horse has been disqualified or who  
26 unnecessarily caused his or her horse to change or shorten its  
27 stride for the purpose of losing a race may be fined or  
28 suspended.

29 Subp. 7. Determination of disqualifications. The stewards  
30 are vested with sole and complete power and authority to  
31 determine when a disqualification is proper, its extent, and  
32 whether it applies to any other part of an entry. Their  
33 decision shall be final.

34 A. In determining the extent of disqualification of a  
35 horse in any race, the stewards may either place the  
36 disqualified horse behind such horse as in their judgment the

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1 disqualified horse interfered with, or they may place it last.

2           B. When a horse of one ownership or interest is  
3 coupled with a horse or horses of the same or another ownership  
4 or interest, the disqualification of one will not necessarily  
5 affect the placing of the other.

6           Subp. 8. Best effort must be made. All jockeys are  
7 expected to give their best efforts in races in which they ride,  
8 and any instructions or advice to jockeys to ride or handle  
9 their mounts otherwise than for the purpose of winning are  
10 prohibited and will subject all persons giving or following such  
11 instructions or advice to disciplinary action by the stewards  
12 and commission. If two horses run in one interest in any race,  
13 each shall must give their best effort.

14           Subp. 9. Protests. Protests with regard to the running of  
15 the race shall be made only by the owner, trainer, or jockey of  
16 the horse alleged to be aggrieved, and shall must be made to the  
17 stewards or the clerk of scales before or immediately after  
18 weighing in. An owner, trainer, or jockey who makes a frivolous  
19 protest may be fined.

20           Subp. 10. No assistance to jockey. No person shall assist  
21 a jockey in removing from his or her horse the equipment that is  
22 to be included in the jockey's weight, except by permission of  
23 the stewards.

24           Subp. 11. Coverings prohibited. No person shall throw any  
25 covering over any horse at the place of dismounting until the  
26 jockey has removed the equipment that is to be included in his  
27 or her weight.

28           Subp. 12. Dead heats. Dead heats shall be governed in the  
29 following manner.

30           A. When two or more horses run a dead heat, the dead  
31 heat shall not be run off.

32           B. In a dead heat for first place, each horse shall  
33 be considered a winner.

34           C. When two or more horses finish in a dead heat and  
35 a protest is made and allowed against a horse having finished in  
36 front of the dead heat, the horses which ran the dead heat shall

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1 be deemed to have run a dead heat from the higher position.

2 D. Owners of horses in a dead heat for any position  
3 shall divide equally all money and other prizes, and if no  
4 agreement can be reached as to which of them shall receive a  
5 cup, plate, or other indivisible prize, they shall draw lots for  
6 it in the presence of one or more of the stewards.

7 Subp. 13. Race declared no contest. If a race has been  
8 run by all the horses at the wrong weights or over a wrong  
9 distance, and if a protest is made and allowed before the  
10 flashing of the "Official" sign on the totalisator board, the  
11 stewards shall declare the race no contest.

12 Subp. 14. Horse becomes crippled or disabled. The  
13 following procedures shall apply if a horse during the running  
14 of a race becomes crippled or otherwise obviously unable to  
15 finish (broken bone, profuse bleeding, or other equally  
16 disabling condition):

17 A. It shall be dismounted, unsaddled, and removed  
18 from the course without passing the stand and may, under no  
19 circumstances, be destroyed on the track course or in the  
20 presence of the public without the permission of the stewards.

21 B. If a bone is broken, the horse shall remain on the  
22 track course until the horse-ambulance arrives and removes it.

23 C. If destruction of the horse is determined  
24 necessary, the destruction shall be performed by the commission  
25 veterinarian through the use of a needle preferably in a place  
26 out of vision of the public. If destruction within view of the  
27 public is necessary, an ambulance screen must be used. Removal  
28 of the horse after destruction shall be the responsibility of  
29 the association.

30 D. If destruction of a horse is determined necessary,  
31 the jockey will not be required to weigh in.

32 CHAPTER 7884

33 MINNESOTA RACING COMMISSION

34 HARNESS RACES

35 7884.0100 SCOPE.

36 In addition to all other applicable rules of the

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1 commission, the provisions of this chapter shall apply to  
2 harness races.

3 7884.0110 TYPES OF RACES.

4 Subpart 1. Overnight events. Each association shall  
5 schedule the following types of overnight events:

- 6 A. conditioned races;
- 7 B. claiming races;
- 8 C. preferred races;
- 9 D. invitational races;
- 10 E. handicap races;
- 11 F. open or free-for-all races;
- 12 G. schooling races; and
- 13 H. matinee races.

14 Subp. 2. Stakes races. In addition to overnight events,  
15 the association must schedule stakes races.

16 Subp. 3. Substitute races. Substitute races may be  
17 provided for each race program and shall be so designated in  
18 condition sheets and may be used when a regularly scheduled race  
19 is not run because of lack of entries.

20 Subp. 4. Divided races. Regularly scheduled races or  
21 substitutes may, if necessary, be divided. When a race is  
22 divided, all horses shall, unless otherwise specified in the  
23 conditions of the race, be determined by lot after preference  
24 has been applied.

25 Subp. 5. Postponed races. All races that are not  
26 contested within two days of being postponed shall be canceled.

27 Subp. 6. Also eligible conditions. Not more than three  
28 also eligible conditions shall be used in writing conditions for  
29 overnight events.

30 7884.0120 ELIGIBILITY AND ENTERING.

31 Subpart 1. Time bars. No time records or bars shall be  
32 used as an element of eligibility.

33 Subp. 2. Horses to remain eligible. Horses eligible at  
34 the time of entry shall remain eligible for that race regardless  
35 of earnings accrued after such entry.

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1 Subp. 3. Mixed race eligibility. To participate in mixed  
2 races, trotting and pacing, a horse must be eligible under the  
3 conditions for the gait stated for it in its entry.

4 Subp. 4. Only purse races considered starts. The word  
5 "start" in a condition includes only those performances in a  
6 purse race.

7 Subp. 5. Races limited to fastest horses. Eligibility to  
8 enter preferred, invitation, junior invitation, handicap, open,  
9 or free-for-all races is limited to the fastest horses competing  
10 at the meeting. The races shall be subject to the following  
11 provisions.

12 A. Horses shall be posted in the office of the racing  
13 secretary and listed with the stewards prior to closing entries.

14 B. Horses so posted shall not be eligible to enter  
15 conditioned races unless the conditions specifically include  
16 horses posted to any or all such races.

17 C. No two-year-old horse is eligible to be placed on  
18 the lists to race against older horses until it has won seven  
19 races, unless specifically requested by the owner or authorized  
20 agent, but the owner or authorized agent may withdraw a request  
21 after it has been made.

22 Subp. 6. Maximum number in field. The maximum size of  
23 fields for all races shall be determined by allowing eight feet  
24 per horse in the front tier and not more than two trailing  
25 horses.

26 Subp. 7. Conditions precedent to entering. No horse shall  
27 be permitted to enter to race unless:

28 A. a valid eligibility certificate has been granted  
29 or validated for that horse by the USTA;

30 B. the current ownership of the horse has been  
31 registered with the USTA;

32 C. the registration papers and a valid eligibility  
33 certificate have been filed with the racing secretary;

34 D. if the horse is leased,

35 (1) a copy of the lease is on file with the  
36 association and the USTA; and

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1 (2) the horse races in the name of the lessee;

2 E. the horse has qualified as provided in part  
3 7884.0190;

4 F. the horse has been lip tattooed;

5 G. the horse is at least two years old but not older  
6 than 14 years old; and

7 H. if it is a spayed mare, that fact is noted on the  
8 program, registration certificate, eligibility certificate, and  
9 the list of such horses is posted in the office of the racing  
10 secretary.

11 Subp. 8. Time for closing of entries. An association  
12 shall publish the time for closing of entries on the condition  
13 sheets.

14 Subp. 9. Entries received after closing time not  
15 accepted. An entry received after the specified time of closing  
16 shall not be accepted, except if it was omitted in error or  
17 because of an inadvertent mistake by an official or employee of  
18 the association.

19 Subp. 10. Horse shall be entered at only one racetrack.  
20 The same horse shall not be entered to compete in races  
21 scheduled for the same day at different racetracks.

22 Subp. 11. Entered horse may not be sold or transferred.  
23 After having been drawn to start, a horse shall not be sold or  
24 transferred prior to the particular race.

25 Subp. 12. Change of trainer. Trainers may be changed only  
26 with prior approval of the stewards.

27 Subp. 13. Horses denied entry. A horse that is on the  
28 qualifying list, starter's schooling list, stewards' list,  
29 veterinarian's list, or bleeder list, and not removed from that  
30 list, shall not be entered.

31 Subp. 14. Rejection of entries. The association may  
32 reject the entry into an overnight event of any horse whose past  
33 performance indicates that it would be below the competitive  
34 level of other horses entered in the particular race.

35 Subp. 15. Naming of drivers. Drivers shall be named no  
36 later than the time necessary to permit their names to be

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1 published in the official racetrack program. The deadline for  
2 naming of drivers shall be set by the association, and no driver  
3 may be changed after the deadline without the permission of the  
4 stewards.

5 7884.0130 PREFERENCE SYSTEM.

6 Subpart 1. Association to establish preference system.

7 Each association shall keep a list of all horses excluded from  
8 races because of too many entries and such horses are to have  
9 preference in any race in which they may afterwards be entered.

10 Subp. 2. Preference system provisions. Notwithstanding  
11 subpart 1, preference may be given under the following  
12 circumstances:

13 A. If more than the required number of horses are  
14 entered in a race with the same preference date, the previous  
15 preference dates shall apply.

16 B. When a horse is racing for the first time at the  
17 gait entered for it, it shall have preference over other horses  
18 regardless of their preference dates.

19 C. If an entry is made for a horse that has already  
20 been drawn to start in a race that has not yet been contested,  
21 the date of that uncontested race shall be its preference date.

22 D. If a horse has been scratched, the date of the  
23 race from which it has been scratched shall be its preference  
24 date.

25 E. If a race has been reopened for additional  
26 entries, preference shall be given those horses eligible and  
27 entered at the time the race originally closed.

28 F. If conditions so specify, preference may be given  
29 to two-year-old horses regardless of preference date.

30 Subp. 3. Preference for also eligibles. No more than two  
31 horses may be drawn as "also eligibles," in accordance with the  
32 following provisions:

33 A. Also eligibles shall be drawn from horses having  
34 the best preference.

35 B. No horse shall be added to the race as an also  
36 eligible unless it was drawn as an also eligible at the time

1 entries closed for that race.

2           C. No horse may be barred from another race to which  
3 it is eligible and has preference because it has been drawn as  
4 an also eligible.

5 7884.0140 COUPLED ENTRIES.

6           Subpart 1. Horses to be coupled as an entry. Horses shall  
7 be coupled as an entry if:

8           A. one person is the owner of two or more horses in a  
9 race;

10           B. the spouse of a person who is the owner of one  
11 horse in a race is the owner of another horse in that race;

12           C. the spouse of the driver of one of the horses in a  
13 race is the owner, trainer, or driver of another horse in that  
14 race; or

15           D. the trainer of one of the horses in a race is the  
16 owner, trainer, or driver of another horse in that race.

17           Subp. 2. Stewards may designate a coupled entry. Any two  
18 or more horses may be coupled as an entry by the stewards when  
19 they consider it in the public interest to do so.

20           Subp. 3. Split races. If a race is split into divisions  
21 or elimination heats, horses coupled as an entry shall be,  
22 insofar as possible, seeded in separate divisions or elimination  
23 heats in the following order:

24           A. owners;

25           B. trainers; and

26           C. stables.

27           The divisions or elimination heats in which such horses are  
28 to compete, and their post positions, shall be determined by lot.

29 7884.0150 LOST ENTRIES.

30           Subpart 1. Addition to overnight event. When there is  
31 conclusive evidence prior to the printing of the overnight  
32 sheets that a horse was properly entered in a race, but was  
33 inadvertently omitted from the drawing for post positions due to  
34 error of an official or employee of the association, the horse  
35 so omitted may be added to the race and the race redrawn. If

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1 the overnight sheet has been printed such horse shall not be  
2 permitted to start.

3 Subp. 2. Addition to stakes race. A horse that was  
4 nominated or entered in a stakes race, but was inadvertently  
5 omitted, shall be added to the race and the race redrawn.  
6 Should the addition result in more than the maximum number of  
7 starters allowed in a single field, the event shall be divided  
8 and the starters in each division and their post positions shall  
9 be redrawn by lot.

10 7884.0160 ALSO ELIGIBLES.

11 Subpart 1. Also eligibles to replace excused horses. If a  
12 horse is excused from a race by the stewards, an also eligible  
13 horse shall take the post position drawn for the excused horse,  
14 except as provided in subpart 5.

15 Subp. 2. Trainer to be notified. Also eligibles moved  
16 into races shall be posted in the office of the racing secretary  
17 and their trainers shall immediately be so notified by the  
18 racing secretary.

19 Subp. 3. Also eligibles released. Also eligibles not  
20 moved into a race by 10:00 a.m. of the day of the race shall be  
21 released.

22 Subp. 4. Horses drawn in to be scratched from other  
23 races. If an also eligible is moved into a race it shall be  
24 scratched from any subsequent race for which it has been drawn,  
25 unless preference otherwise allows.

26 Subp. 5. Handicap races. In handicap races an also  
27 eligible horse shall take the place of the excused horse so long  
28 as the handicap is the same. However, if the handicap is  
29 different:

30 A. the also eligible horse shall take the position on  
31 the outside of horses with a similar handicap; or

32 B. when a trailing horse is scratched, the also  
33 eligible horse shall take the trailing position, regardless of  
34 the handicap.

35 7884.0170 SCRATCHES.

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1 Subpart 1. Stewards to approve scratches. A horse entered  
2 to race shall not be scratched from a race without permission of  
3 the stewards.

4 Subp. 2. Scratches are irrevocable. A horse that is  
5 scratched from a race shall not be reinstated in that race.

6 Subp. 3. On advice of commission veterinarian. A horse  
7 scratched by the stewards on the advice of the commission  
8 veterinarian shall not be allowed to enter for a minimum of 72  
9 hours from the time it was scratched, and then only if it has  
10 been approved for entry by the commission veterinarian.

11 7884.0180 TIME TRIALS.

12 Time trial performances are permitted provided:

13 A. urine tests are required for all horses;

14 B. an approved electric timer is used, however, if a  
15 timing device fails during a time trial, no time trial  
16 performance record will be obtained;

17 C. they are held during the course of a race meeting  
18 and are officiated by stewards;

19 D. they are limited to two-year-olds who equal or  
20 beat 2:10, and three-year-olds and older who equal or beat 2:05;

21 E. they are designated on a horse's record and in the  
22 official racing program by preceding the time with "TT";

23 F. that when a horse has other horses accompanying it  
24 in a time trial performance, they may not precede it, be  
25 harnessed with it, or in any way be attached to it; and

26 G. a break during a time trial performance results in  
27 no time being given to the breaking horse.

28 7884.0190 QUALIFYING RACES.

29 Subpart 1. Scheduling of qualifying races. Qualifying  
30 races shall be scheduled at least once a week, weather  
31 conditions permitting, and shall be conducted under the  
32 supervision of the stewards.

33 Subp. 2. Horses required to compete in qualifying races.

34 The following horses shall not be eligible to enter any race  
35 until they have competed in qualifying races:

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1           A. A horse that does not have a charted race at the  
2 gait chosen.

3           B. A horse that does not show a charted line within  
4 the last six starts. For that purpose an uncharted race  
5 contested in heats or more than one dash and consolidated shall  
6 be considered to be a start.

7           C. A horse that has not started for a period of 45  
8 days or more.

9           D. A horse which has raced at a meeting at which  
10 races were not charted.

11          E. A horse that is on the qualifying list.

12          F. A horse that chokes, bleeds, or falls during a  
13 warmup or a race.

14          G. A horse that has made breaks in two consecutive  
15 races or which breaks in its first start following a qualifying  
16 race.

17          H. A horse that has been distanced.

18          Subp. 3. Preferred or invitational horses. The stewards  
19 may permit a preferred or invitational horse to qualify by means  
20 of a timed workout consistent with the time of preferred or  
21 invitational races that have been completed at the race meeting.

22          Subp. 4. Stewards may set standards. The stewards may  
23 establish a qualifying time for an individual horse consistent  
24 with that horse's past performance.

25          Subp. 5. Qualifying drivers. If a race is conducted for  
26 the purpose of qualifying drivers and not horses, the race need  
27 not be charted, timed, or recorded, but this clause does not  
28 apply to races qualifying both horses and drivers.

29          Subp. 6. Qualifying times shall be posted. Qualifying  
30 times shall be established by the association and those times  
31 and any subsequent changes to them shall be approved by the  
32 stewards and posted so that they are available for inspection by  
33 participants.

34          Subp. 7. Trainers to be notified. Trainers of horses  
35 placed on the qualifying list shall be advised by the stewards  
36 or their designee of that fact by written notice which must also

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1 be posted in the racing office.

2 7884.0200 STAKES RACES.

3 Subpart 1. Conditions. Conditions for stakes races which  
4 are vague, inconsistent, or which conflict with the rules of the  
5 commission shall not be published. Conditions shall state  
6 whether the race will be:

7 A. raced in divisions; or

8 B. conducted in elimination heats if more horses than  
9 the maximum allowed to compete in one division are entered.

10 Subp. 2. Conditions shall not be changed. Published  
11 conditions shall not be changed after nominations have been  
12 received, nor shall the date and place of the event be changed  
13 after being advertised without the prior consent of the  
14 commission.

15 Subp. 3. Stakes ~~nominations-and-sustaining~~ nomination fees.

16 All nominations to stakes races must be:

17 A. made in writing;

18 B. signed by the owner, trainer, or the owner's  
19 authorized agent; and

20 C. made at least five days prior to the race for  
21 which the nomination is made.

22 Subp. 4. Fees are due on business days. If the day for  
23 closing of nomination or sustaining payments falls on a Sunday  
24 or legal holiday, the day of closing shall be the next business  
25 day.

26 Subp. 5. Entry fees. Entry fees shall become due and  
27 payable when a horse is properly entered, and the fees are  
28 nonrefundable.

29 Subp. 6. Nominations not affected by sale. The  
30 eligibility of a nominated horse is not affected by the sale of  
31 the horse after its nomination has been accepted unless the  
32 contrary is specified in the conditions.

33 Subp. 7. Nomination lists to be provided. An association  
34 shall provide a list of all stakes nominations to each nominator  
35 and to the commission within 30 days after the date on which  
36 payments were due. The list must be accompanied by a report

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1 indicating the current financial status of the race and listing  
2 the number of horses remaining eligible and the amounts of  
3 nomination and sustaining payments received by the association.

4 Subp. 8. Minimum number of starters may be required. An  
5 association may require at least five separate interests to  
6 start in a stakes race. If fewer horses than the number  
7 required are properly entered, the race may be ~~declared-off~~  
8 canceled. In that case, the total of nomination and sustaining  
9 payments received shall be divided equally among the horses  
10 entered without being credited as purse winnings. If no entries  
11 are made, the total nomination and sustaining payments shall be  
12 divided equally and awarded among the horses remaining eligible  
13 after the last sustaining payment, without being credited as  
14 purse winnings.

15 Subp. 9. Restrictions against entering or starting. Any  
16 horse that is on the qualifying, veterinarian, starter's  
17 schooling, or stewards' list may be nominated but shall not be  
18 eligible to enter or start in a ~~stakes's~~ stakes race unless it  
19 is removed from those lists before the time of entry ~~or-starting~~.

20 Subp. 10. Overfilled stakes to be run in divisions. If  
21 more horses than allowed in one field are entered to start a  
22 race, the race shall be conducted in divisions or eliminations,  
23 as specified in the conditions.

24 Subp. 11. Stakes races conducted in divisions. Stakes  
25 races conducted in divisions shall be subject to the following:

26 A. Starters shall be divided by lot with all  
27 nomination and sustaining payments divided in equal proportion  
28 to the number of entered horses that are drawn to each division.

29 B. The amount of the additional purse added to each  
30 division shall be approved by the stewards.

31 C. All divisions shall be raced on the same day.

32 Subp. 12. Stakes races conducted in eliminations. For  
33 stakes races conducted in eliminations:

34 A. The stewards shall draw by lot the post positions  
35 of the horses that have qualified for the final heat.

36 B. Elimination heats and the final heat shall be

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1 raced on the same day, unless the conditions provide otherwise,  
2 and in that case, elimination heats shall be contested not more  
3 than seven days prior to the date of the final heat.

4 C. The winner of the final heat shall be the winner  
5 of the stakes race, unless the conditions provide otherwise.

6 D. If there are two elimination heats, the first four  
7 finishers in each heat shall qualify for the final heat.

8 E. If there are three or more elimination heats, no  
9 more than three horses from each elimination heat shall qualify  
10 for the final heat.

11 F. In all cases, the number of horses allowed to  
12 qualify for any final heat shall not exceed ten.

13 G. The stewards shall draw by lot the post positions  
14 for the final heat to determine which of the elimination heat  
15 winners shall have the pole position, and shall in that manner  
16 determine all of the other positions for the final heat.

17 Subp. 13. Canceled stakes races. The following procedures  
18 shall be followed when stakes races are canceled.

19 A. In stakes races that have not been contested  
20 before being canceled, all nomination and sustaining fees shall  
21 be divided equally among the owners of horses remaining eligible  
22 at the time of cancellation.

23 B. In stakes that have been started but remain  
24 unfinished before being canceled, the allotted shares of the  
25 remaining nominating, sustaining, and starting fees shall be  
26 distributed equally to the owners of all horses remaining  
27 eligible at the time of cancellation.

28 C. Unless otherwise provided in the conditions,  
29 canceled stakes races shall not be transferred to another race  
30 meeting.

31 7884.0210 CLAIMING RACES.

32 Claiming shall be conducted in accordance with part  
33 7883.0140.

34 7884.0220 PADDOCK PROCEDURES.

35 Subpart 1. Horse to be in paddock. Horses must be in the

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1 harness paddock at least one hour prior to post time of the race  
2 in which they are to compete and, except for warmup trips, no  
3 horse shall leave the paddock until called to post.

4 Subp. 2. Driver to register. Drivers shall report to the  
5 paddock judge and sign the drivers' register at least one hour  
6 before post time of any race in which they are programmed to  
7 drive. After signing the the drivers' register, no driver shall  
8 leave the drivers' room, except to drive in a race or to view  
9 the races from a point approved by the stewards, until all his  
10 or her driving engagements for the day have been fulfilled.

11 Subp. 3. Persons restricted from paddock. No person,  
12 except an official or an owner who has a horse racing, shall be  
13 allowed in the paddock until all races of that program have been  
14 completed, and not more than two members of a registered stable  
15 may be in the paddock on any race day.

16 Subp. 4. Blacksmith to be in paddock. Each association  
17 must during racing hours provide the services of a blacksmith  
18 within the paddock.

19 Subp. 5. Extra racing equipment to be in paddock. Each  
20 association must during racing hours provide to the equipment  
21 inspector all extra equipment in the paddock that may be  
22 necessary in emergencies to prevent unnecessary delay during the  
23 conduct of racing.

24 7884.0230 RACING EQUIPMENT.

25 Subpart 1. Sulkies. Sulkies will be permitted only if  
26 they are of the conventional dual-shaft and dual-hitch type as  
27 follows:

28 A. they have two shafts that are parallel to, and  
29 securely hitched on each side of the horse;

30 B. no point of a hitch and no part of a shaft of the  
31 sulky is above a horizontal level equal to the lowest point of  
32 the horse's back;

33 C. they are equipped with mud guards when so required  
34 by the stewards; and

35 D. they are equipped with plastic wheel discs on the  
36 inside and outside of each wheel with such discs being either

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1 clear or of a solid pastel color.

2 Subp. 2. Head poles. No horse may wear a head pole  
3 protruding beyond its nose.

4 Subp. 3. Helmets must be worn. All persons must wear an  
5 approved protective helmet with the chin strap properly fastened  
6 at all times when racing, jogging, training, or when warming-up  
7 a horse on the premises grounds of a ~~licensed-racetrack~~ an  
8 association.

9 Subp. 4. Time limit for equipment changes. No major  
10 equipment change may be allowed after 10:00 a.m. on the day of  
11 the race without the consent of the stewards, and all such  
12 changes must be posted and announced.

13 Subp. 5. Broken equipment. All broken equipment must be  
14 reported by the driver, in the first instance, to the starter,  
15 and then to the paddock judge who shall make an examination to  
16 verify the allegation.

17 Subp. 6. Warmup equipment. All persons driving a horse  
18 must wear silks and white pants when warming-up a horse prior to  
19 a race. Such horse shall have the proper head number and saddle  
20 cloth for the race in which it will be racing.

21 Subp. 7. Drivers' colors. Drivers must wear  
22 distinguishing colors and shall not be permitted to drive in a  
23 race or other public performances unless they are properly  
24 dressed, their driving outfits are clean, and they are  
25 well-groomed. During inclement weather conditions, drivers must  
26 wear rain suits or winter suits either of distinguishing colors  
27 or made of transparent material through which their colors may  
28 be distinguished.

29 7884.0240 POST TIME AND STARTING.

30 Subpart 1. Post time. The association shall establish the  
31 post time for each race and the stewards shall call the horses  
32 on the ~~track~~ course at a time to prevent delay after the  
33 completion of one or two scores.

34 Subp. 2. Time between single race heats. The time between  
35 separate heats of a single race shall not be less than 40  
36 minutes.

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1 Subp. 3. Horses called to post have exclusive right.  
2 Horses called for a race have the exclusive right to occupy the  
3 course, and all the other horses shall vacate the course  
4 immediately.

5 Subp. 4. Scoring. Horses are permitted to take one or two  
6 scores before going to the post, and upon completion of the last  
7 score, the horses shall be gathered by the starter and  
8 immediately moved to their appropriate starting positions behind  
9 the gate.

10 Subp. 5. Post positions. The following procedures shall  
11 apply to post positions:

12 A. When a horse is withdrawn from the front tier,  
13 horses on the outside shall move in to fill the vacancy.

14 B. If there is only one trailing horse it may start  
15 from any trailing position.

16 C. If there is more than one trailing horse it shall  
17 start from inside the horse with a higher post position.

18 D. The withdrawing of a horse that has drawn or  
19 earned a position in the front tier shall not affect the  
20 position of the trailing horses, except as provided for in  
21 handicap claiming races.

22 Subp. 6. Starting gate. All races shall be started with a  
23 mobile starting gate of a design consistent with part 7875.0200,  
24 subpart 4, and approved by the commission, and shall be equipped  
25 with two-way communications to the stewards and a mechanical  
26 loudspeaker for communicating instructions to drivers. No  
27 person except the starter, his or her driver, and a patrol  
28 judge, shall ride in a starting gate without the permission of  
29 the stewards.

30 Subp. 7. Starter has control of horses. The starter shall  
31 have control of the horses from the formation of the parade  
32 until a fair start has been determined.

33 Subp. 8. Determination of a fair start. The determination  
34 of a fair start is signified by the word "go" announced by the  
35 starter at the starting point. The starting point is a point  
36 that shall be marked on the inside rail at a distance of not

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1 less than 200 feet from the first turn.

2 Subp. 9. Conduct of start. The following procedures shall  
3 be observed during the start of a race.

4 A. The horses shall be brought to the starting gate  
5 as near one-quarter of a mile before the start as the track  
6 course will permit.

7 B. The starter shall cause the gate to move towards  
8 the starting point, gradually increasing speed of the gate to  
9 maximum speed.

10 C. When maximum speed has been reached in the course  
11 of a start there shall be no decrease, except in the case of a  
12 recall.

13 D. After the determination by the starter of a fair  
14 start all the horses shall race the course, except in the case  
15 of an occurrence that in the opinion of the stewards makes it  
16 impossible for the horses to race the course.

17 E. During the start of a race, if a horse is  
18 unmanageable or liable to cause an accident or injury to another  
19 horse or to a driver, it shall be scratched by the stewards.

20 7884.0250 RECALLS.

21 Subpart 1. Starter may at any time order a recall. The  
22 starter may, at any time before the word "go" is given, order a  
23 recall and restart the race. If a second recall is sounded  
24 because of the same horse, that horse shall be scratched.

25 Subp. 2. Reasons for recall. The starter shall sound a  
26 recall for the following reasons:

27 A. a horse scores ahead of the starting gate;

28 B. there is interference before the word "go" is  
29 given;

30 C. a horse has broken equipment observed by the  
31 starter; or

32 D. a horse falls before the word "go" is given.

33 Subp. 3. Recall procedures. In case of a recall:

34 A. a light, plainly visible to the drivers, shall be  
35 flashed and a recall sounded;

36 B. if possible, the starter shall leave the wings of

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1 the starting gate open and gradually slow the speed of the gate  
2 to assist in stopping and turning the field; and

3 C. drivers shall take up their horses and return,  
4 without delay, to the point where the field is gathered for  
5 starts.

6 Subp. 4. Inquiry into failure to sound recall. If the  
7 starter fails to sound a recall when required, the stewards  
8 shall immediately cause the "Inquiry" sign to be displayed.

9 7884.0260 DRIVING RULES.

10 Subpart 1. Conduct before word "go" is given. Before the  
11 word "go" is given no driver shall:

- 12 A. delay a start;  
13 B. pass the inside or the outside wing of the gate;  
14 C. come to the starting gate in the wrong position;  
15 D. cross over before reaching the starting point;  
16 E. interfere with another horse or driver during the  
17 start; or  
18 F. fail to come up into position and on the gate.

19 Subp. 2. Conduct after word "go" is given. After the word  
20 "go" is given no driver shall:

- 21 A. change course or position, swerve in or out, or  
22 bear in or out, during any part of the race in a manner that  
23 will compel another horse to shorten its stride or cause another  
24 driver to change course;  
25 B. take his or her horse back or pull his or her  
26 horse out of its stride;  
27 C. impede the progress of another horse or cause it  
28 to break from its gait;  
29 D. cross over too sharply in front of another horse;  
30 E. crowd another horse by "putting a wheel under it";  
31 F. carry another horse out;  
32 G. strike or hook wheels with another sulky;  
33 H. allow another horse to pass needlessly on the  
34 inside, or commit any other act that helps another horse to  
35 improve its position;  
36 I. take up or slow abruptly in front of other horses

1 as to cause confusion or interference among the trailing horses;

2 J. lay off a normal pace and leave a hole when it is  
3 well within his or her horse's capacity to keep the hole closed;

4 K. drive in a careless, reckless, or unsatisfactory  
5 manner;

6 L. fail to set or maintain a pace comparable to the  
7 class in which he or she is racing, considering track  
8 conditions, weather, and circumstances of the race;

9 M. fail to properly contest an excessively slow pace;

10 N. back off from any position and subsequently come  
11 on when challenged;

12 O. fail to report any interference or any other  
13 infraction that occurred during a race and was observed by him  
14 or her;

15 P. lodge a claim of foul, violation of the rules,  
16 objection, or complaint which the stewards consider frivolous;

17 Q. drive a horse in a manner that prevents it from  
18 winning a race;

19 R. drive a horse to perpetrate or aid in a fraud or  
20 corrupt practice;

21 S. drive a horse in an inconsistent manner;

22 T. use a whip exceeding four feet in length or a  
23 snapper longer than eight inches in length, or use a whip in a  
24 brutal manner, or use the butt end of the whip, or whip under  
25 the arch or shaft of the sulky, or strike a wheel disc with his  
26 or her whip, or use a whip to interfere with or cause  
27 disturbance to any other horse or driver in a race;

28 U. punch, jab, or kick a horse; and

29 V. allow his or her horse to break from its gait for  
30 the purpose of losing a race.

31 Subp. 3. Breaks. When a horse breaks from its gait the  
32 driver shall:

33 A. take the horse to the outside of other horses or  
34 where clearance exists;

35 B. properly attempt to pull the horse to its gait;

36 and

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1 C. drop back from the field while on the break.

2 Subp. 4. Lapped on break. If there has been no violation  
3 of subpart 3, the stewards shall not set back the horse unless a  
4 competing horse on its gait is lapped on the hind quarter of the  
5 breaking horse at the finish.

6 Subp. 5. Breaks to be reported. Stewards shall record  
7 each break in the official race reports.

8 Subp. 6. Drivers must remain mounted. A driver must be  
9 mounted in his or her sulky from the start to the finish of the  
10 race or the horse he or she is driving shall be disqualified.

11 Subp. 7. Use of stirrups. After the word "go" is given,  
12 barring mishap, both of the driver's feet must be kept in the  
13 stirrups until the race has been completed.

14 Subp. 8. Claim of foul. A driver who desires to enter a  
15 claim of foul, violation of the rules, or other complaint shall  
16 notify the nearest patrol judge and shall proceed forthwith to  
17 the paddock telephone to communicate immediately with the  
18 stewards, unless the driver is prevented from doing so by an  
19 accident or injury or other reasonable excuse.

20 Subp. 9. Stewards shall view complaint. The stewards  
21 shall not cause the "Official" sign to be posted until the  
22 circumstances surrounding a claim of foul, violation of the  
23 rules, or other complaint has been viewed and decided.

24 Subp. 10. Stewards to determine extent of violation. The  
25 stewards shall determine the extent of the alleged violation and  
26 may place the offending horse either behind the horses that in  
27 their judgment were interfered with, or last in the field.

28 CHAPTER 7890

29 MINNESOTA RACING COMMISSION

30 HORSE MEDICATION

31 7890.0100 DEFINITIONS.

32 Subpart 1. Scope. The terms used in this chapter shall  
33 have the following meanings.

34 Subp. 2. Bleeder. "Bleeder" means a horse which during a  
35 race or exercise is observed by the commission veterinarian or  
36 stewards to be shedding blood from one or both nostrils or

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1 which is suspected of having bled and is so confirmed by an  
2 endoscopic examination conducted by the commission veterinarian  
3 within one hour following the race or exercise.

4 Subp. 3. Bleeder list. "Bleeder list" means a tabulation  
5 of all bleeders maintained by the commission veterinarian.

6 Subp. 4. Chemist. "Chemist" means any official racing  
7 chemist designated by the commission.

8 Subp. 5. DMSO. "DMSO" means dimethylsulfoxide.

9 Subp. 6. Medication. "Medication" is a substance,  
10 compound, or element, or combination thereof, which is or can be  
11 administered to a horse for the purpose of preventing, curing,  
12 or alleviating the effects of any disease, condition, ailment,  
13 or infirmity, or symptom thereof, or for altering in any way the  
14 behavior, attitude, temperament, or performance of a horse,  
15 including athletic performance. Nothing herein shall be deemed  
16 to include:

17 A. topical applications, such as antiseptics,  
18 ointments, salves, DMSO, leg rubs and leg paints which may  
19 contain antibiotics (except procaine penicillin), but which may  
20 not contain benzocaine, steroids, or other medications; and

21 B. food additives, such as vitamins and electrolytes,  
22 provided such additives are administered orally and do not  
23 contain any medications.

24 Subp. 7. Positive test. "Positive test" means the  
25 detection of any medication or metabolites thereof in a test  
26 sample.

27 Subp. 8. Test sample. "Test sample" means any bodily  
28 substance including blood, urine, saliva, or other substance as  
29 directed by the commission, taken from a horse under the  
30 supervision of the commission veterinarian and in such manner as  
31 prescribed by the commission for the purpose of analysis.

32 Subp. 9. Veterinarian. "Veterinarian" means a veterinary  
33 practitioner licensed to practice at a Minnesota racetrack.

34 7890.0110 MEDICATIONS AND REPORTING PROCEDURES.

35 Subpart 1. Medications prohibited. No person shall  
36 administer or cause to be administered to a horse any medication

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1 by injection, oral, or topical administration, rectal infusion  
2 or suppository, inhalation, or absorption within the time period  
3 prohibited by law.

4 Subp. 2. Veterinarians must keep records. Veterinarians  
5 must keep a logbook as to all medications and other substances  
6 as provided in part 7890.0100, subpart 7 6, items A and B,  
7 prescribed or administered, and any other professional services  
8 performed at a licensed racetrack. Such logbook shall be made  
9 immediately available to the commission veterinarian or the  
10 stewards upon request.

11 7890.0130 FINDINGS OF CHEMIST.

12 Subpart 1. Prima facie evidence. A finding by a chemist  
13 that any medication as defined in part 7890.0100, subpart 7 6,  
14 shall be prima facie evidence that the medication was  
15 administered and carried in the body of the horse while  
16 participating in a race. The finding shall also be taken as  
17 prima facie evidence that the attending trainer was negligent in  
18 the handling or care of the horse.

19 Subp. 2. Distributed purse money. The fact that purse  
20 money has been distributed prior to the issuance of the  
21 chemist's report shall not be deemed a finding that no  
22 medication was administered to the horse earning such purse  
23 money in violation of this chapter.

24 7890.0140 BLEEDER LIST.

25 Subpart 1. Maintenance. An up-to-date bleeder list shall  
26 be maintained by the commission veterinarian. The list shall be  
27 posted in the office of the racing secretary.

28 Subp. 2. Horses placed on bleeder list. Horses which are  
29 bleeders, as defined in part 7890.0100, subpart 2, shall be  
30 placed on the bleeder list and shall be ineligible to be entered  
31 in a race.

32 Subp. 3. Endoscopic examination. Within one hour of the  
33 finish of the race or exercise in which a horse has  
34 participated, the commission veterinarian may require an  
35 endoscopic examination in order to confirm the horse's inclusion

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1 on the bleeder list. The endoscopic examination shall be  
2 conducted by a veterinarian employed by the horse's owner or the  
3 owner's agent, and shall be conducted in the presence of and in  
4 consultation with the commission veterinarian.

5 Subp. 4. Confirmation of bleeder must be certified. The  
6 confirmation of a bleeder must be certified in writing by the  
7 commission veterinarian and the horse must be entered by him or  
8 her on the bleeder list. Upon request, a copy of the  
9 certification shall be provided to the owner of the horse or the  
10 owner's agent.

11 Subp. 5. Restrictions on confirmed bleeders. Confirmed  
12 bleeders shall be subject to the following restrictions.

13 A. For the first observed bleeding, the horse shall  
14 be placed on the bleeder list and shall not be removed from the  
15 list for at least 14 days, and not until the commission  
16 veterinarian has approved its removal.

17 B. When a horse has been observed bleeding for the  
18 second time, the horse shall be placed on the bleeder list and  
19 shall not be removed from the list for at least 28 days and not  
20 until the commission veterinarian has approved its removal.

21 C. When a horse is observed bleeding a third time,  
22 the horse shall be barred from further pari-mutuel racing in  
23 Minnesota.

24 Subp. 6. Bleeders imported from other jurisdictions. A  
25 horse shipped into Minnesota from another jurisdiction may be  
26 considered a bleeder provided there is compliance with the  
27 following procedures:

28 A. the jurisdiction from which it was shipped  
29 considered the horse a bleeder pursuant to the criteria set  
30 forth in this part, and documentation to that effect is  
31 immediately transmitted to the stewards at the Minnesota  
32 racetrack to which it is shipped; and

33 B. the commission veterinarian certifies the horse as  
34 a bleeder pursuant to subpart 4.

35 CHAPTER 7891

36 MINNESOTA RACING COMMISSION

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## 1 PHYSICAL EXAMINATION OF HORSES

## 2 7891.0100 RACING SOUNDNESS EXAMINATION.

3 Subpart 1. Horses subject to examination. Every horse  
4 entered to race at a licensed racetrack under the jurisdiction  
5 of the commission shall be subjected to a veterinary examination  
6 for racing soundness and health on race day conducted by the  
7 commission veterinarian in or near the stall to which the horse  
8 is assigned.

9 Subp. 2. Record of examination. The commission  
10 veterinarian shall maintain a continuing health and racing  
11 soundness record of each horse examined.

## 12 7891.0110 POST-MORTEM EXAMINATION.

13 Subpart 1. Horses that must undergo post-mortem  
14 examination. Every horse which suffers a breakdown at a  
15 licensed racetrack under the jurisdiction of the commission, in  
16 training or in competition, and which is destroyed, and every  
17 horse which expires while stabled at a licensed racetrack under  
18 the jurisdiction of the commission, shall undergo a post-mortem  
19 examination to be conducted by the commission veterinarian or  
20 his or her designee to determine the injury or illness which  
21 resulted in euthanasia or natural death.

22 Subp. 2. Test samples to be taken for analysis. Test  
23 samples must be obtained from every horse which undergoes a  
24 post-mortem examination. The samples shall be sent for analysis  
25 to a laboratory approved by the commission and the commission  
26 may direct the laboratory to retain and preserve such samples  
27 for future analysis.

28 When practical, both blood and urine test samples should  
29 shall be obtained prior to euthanasia.

30 Subp. 3. Owner and trainer responsible. The owner and  
31 attending trainer are responsible for reporting to the  
32 commission veterinarian the death of a horse within one hour of  
33 its death, and for having the post-mortem examination performed  
34 in accordance with this part.

35 Subp. 4. Report of exam. A report of every post-mortem

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1 examination shall be filed with the commission within 72 hours  
2 of the horse's death on a form prepared by the commission.

3 CHAPTER 7892

4 MINNESOTA RACING COMMISSION

5 MEDICAL TESTING

6 7892.0100 DETENTION BARN.

7 Subpart 1. Barn. Each association shall provide a  
8 detention barn suitable for taking test samples. The barn shall  
9 include:

10 A. an office area which can be locked, and which has  
11 a floor area of not less than 100 square feet;

12 B. a wash rack not less than 12 feet by 12 feet;

13 C. not fewer than four stalls ten feet by ten feet  
14 each, with dutch doors and observation holes;

15 D. a refrigerator of not less than ten cubic feet;

16 E. hot and cold running water; and

17 F. a walking ring.

18 Subp. 2. Security. Each association shall furnish a  
19 security officer to guard the detention barn during racing hours  
20 and until the last specimen is taken for the day.

21 7892.0120 TAKING OF SAMPLES.

22 Subpart 1. Horses tested. Blood and/or urine test samples  
23 shall be taken from the winning horse in every race, horses  
24 finishing second in races with quinella or exacta wagering,  
25 defeated-favorites, horses selected at random during each racing  
26 program, and horses designated by the stewards or the commission  
27 veterinarian at any time upon suspicion that a violation of  
28 chapter 7890 has occurred. The stewards or veterinarian may  
29 require that specimens of saliva or other body fluid or  
30 excretion be taken from a tested horse as necessary to determine  
31 whether a violation of chapter 7890 has occurred. Any owner,  
32 trainer, or other person having care, custody, or control of a  
33 horse required to be tested must submit the horse immediately.

34 Subp. 2. Samples taken. All samples shall be taken in the  
35 detention barn unless the commission veterinarian determines it

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1 necessary to take a sample elsewhere. All samples shall be  
 2 taken, sealed, identified, and delivered to the testing  
 3 laboratory under the direction of the commission veterinarian or  
 4 his or her designee.

5 Subp. 3. Witnesses. The taking and sealing of any test  
 6 sample must be witnessed or acknowledged by the signature of the  
 7 trainer of the horse or his or her designee. The owner and/or  
 8 trainer of a horse, or their designees, may be present at all  
 9 times during the taking and sealing of the test samples.

10 Subp. 4. Identification. An identification tag must be  
 11 attached to each sealed sample. The commission veterinarian  
 12 shall retain a stub from each tag. The portion of the tag  
 13 accompanying a sample to the testing laboratory must bear all  
 14 information necessary to allow for proper analysis, but the  
 15 identity of the horse from which the sample was taken and of the  
 16 identity of its owner, trainer, jockey, driver, or stable must  
 17 not be revealed to laboratory personnel.

18 Subp. 5. Split samples. A portion of the sample from each  
 19 horse tested, after a sufficient amount has been sent to the  
 20 official laboratory, must be preserved by the association. It  
 21 must be available for testing at the request of a person accused  
 22 of a violation of chapter 7890. A person so accused may request  
 23 that the portion of the test sample retained by the association  
 24 be sent to a laboratory other than the commission's official  
 25 laboratory for testing. A person making a request must bear the  
 26 cost of shipment and additional testing.

27 Subp. 6. Other materials. The stewards or commission  
 28 veterinarian may direct that a sample be taken of any material  
 29 on the premises-of-a-licensed-racetrack grounds of an  
 30 association if the stewards or commission veterinarian suspect  
 31 the material contains a substance which has been used or will be  
 32 used in violation of chapter 7890.

33 7892.0130 TESTING.

34 Subpart 1. ~~Laboratory.--Any laboratory designated by the~~  
 35 ~~commission to analyze and report on the presence of prohibited~~  
 36 ~~substances in test samples must participate in and comply with~~

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~~1 the standards and procedures established by the Uniform Drug  
2 Testing and Quality Assurance Program of the National  
3 Association of State Racing Commissioners.~~

4 Subp. ~~2~~. Chemist. The chemist responsible for detecting  
5 and identifying prohibited substances at an official laboratory  
6 must be a member in good standing of the Association of Official  
7 Racing Chemists.

8 Subp. 3. 2. Equipment. Every official laboratory must be  
9 equipped with the following:

10 A. extraction apparatus consisting of:

- 11 (1) direct column,
- 12 (2) rotation apparatus,
- 13 (3) concentration-distillation, and
- 14 (4) resin absorption apparatus, or any

15 combination thereof;

16 B. at least one steam bath;

17 C. a hot water bath with a controlled temperature;

18 D. a water still;

19 E. a centrifuge;

20 F. a refrigerator;

21 G. an analytical balance;

22 H. laboratory scales;

23 I. a polarizing microscope;

24 J. a photomicrographic camera with attachments;

25 K. a paper strip chromatographic apparatus;

26 L. a thin layer chromatographic apparatus;

27 M. ultra-violet lamps including short and long wave  
28 lamps;

29 N. a laboratory oven with a heat range of 93.3  
30 degrees Celsius to 120 degrees Celsius, and a sensitivity of  
31 plus or minus 1 degree Celsius;

32 O. photographic equipment for the purpose of  
33 photographing color spot tests and chromatographs;

34 P. a pH meter;

35 Q. a gas chromatograph equipped with electron  
36 capture, flame ionization, and thermionic specific detectors;

- 1 R. a mass spectrometer interfaced to a gas  
2 chromatograph with solid probe capability and with a computer  
3 based data library storage system;
- 4 S. a microcrystal testing kit;
- 5 T. a color spot testing kit;
- 6 U. a high performance liquid chromatograph equipped  
7 with ultra-violet and fluorescence detectors;
- 8 V. assorted laboratory glassware; and
- 9 W. other equipment the commission determines is  
10 necessary for the detection and identification of prohibited  
11 substances.

12 Subp. 4- 3. Procedure. The method for analysis of test  
13 samples by an official laboratory shall be:

- 14 A. process by extraction of a sample:
- 15 (1) using direct column apparatus;
  - 16 (2) using rotation or other agitation apparatus;
  - 17 (3) by concentration-distillation;
  - 18 (4) by resin absorption; or
  - 19 (5) by any combination employing such solvents as  
20 are deemed appropriate by an official chemist; and

21 B. examination of the residue resulting from  
22 extraction by three separate tests selected from any of the  
23 following analytical methods:

- 24 (1) thin layer chromatography;
- 25 (2) ultra-violet spectrophotometry;
- 26 (3) color spot test;
- 27 (4) gas liquid chromatography;
- 28 (5) high pressure liquid chromatography;
- 29 (6) mass spectrometry; or
- 30 (7) immuno assay.

31 If during a test an official chemist suspects the presence  
32 of a prohibited drug in a sample, the chemist shall continue  
33 analysis by any method he or she believes will ensure detection  
34 and identification of the substance.

35 Subp. 5- 4. Reports. An official chemist shall report the  
36 results of tests promptly to the stewards and commission



1 veterinarian.

2 7892.0140 RECORDS.

3 All documents relating to test samples must be retained for  
4 three years or until legal proceedings in which they may be  
5 evidence are concluded, whichever is later.

6 7892.0150 PURSES.

7 Upon receipt of a positive laboratory report, the stewards  
8 shall direct that no undistributed purse money won by the horse  
9 tested may be awarded pending final determination of the  
10 matter. The stewards shall order distributed purse money  
11 returned, and it must be returned. If it is determined finally  
12 that a violation of chapter 7890 has occurred, the purse money  
13 won by the horse involved shall be forfeited and redistributed  
14 among the other horses in the race according to their order of  
15 finish. No forfeiture and redistribution shall affect the  
16 distribution of pari-mutuel pools. Distribution of purse money  
17 prior to issuance of a laboratory report shall not be deemed a  
18 determination that chapter 7890 has not been violated.

19 7892.0160 COST RECOVERY.

20 The commission shall assess the each association for its  
21 share of the cost of establishing and initially staffing the  
22 official laboratory.

23 CHAPTER-7895

24 MINNESOTA-RACING-COMMISSION

25 BREEDERS'-FUND

26 7895.0100-GENERAL-PROVISIONS-

27 Subpart-1.--Scope.--For purposes of administering the  
28 breeders'-fund under Minnesota Statutes, section 240.18, and the  
29 required race provision of Minnesota Statutes, section 240.29,  
30 the following parts are adopted:

31 Subp.-2.--Registration.--To qualify for payment of awards  
32 and for entry into restricted races, all foal certificates must  
33 have the Minnesota registration seal affixed upon them.--The  
34 seal shall be proof that the requirements of this part have been

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1 met.--The proof may be affidavits or investigative reports as  
2 the commission deems necessary.

3 Subp.-3.--Decisions regarding eligibility for registration.  
4 Questions regarding the registration, eligibility for  
5 registration, or breeding of a Minnesota-bred horse shall be  
6 decided by the commission.--An official registering agency must  
7 be designated by the commission and empowered to act in matters  
8 relative to registration, eligibility for registration, or  
9 breeding.--A decision of the official registering agency shall  
10 be subject to review by the commission which retains the right  
11 to make the final decision as to any right or liability under  
12 this chapter.--The commission or the designated registering  
13 agency may demand and inspect any registration certificate or  
14 record of a Minnesota breeder, and may require affidavits or  
15 other substantive proof as the commission or official  
16 registering agency deems necessary to support any claim for  
17 Minnesota-bred registration.

18 Subp.-4.--Decision regarding eligibility to enter  
19 restricted races.--Questions as to the eligibility for  
20 nomination or entry in races restricted to Minnesota-bred horses  
21 shall be decided by the commission or the official registering  
22 agency.

23 Subp.-5.--Basis for allocation.--The amount of money  
24 allocated for any particular race should reflect the quality of  
25 the race being run.

26 Subp.-6.--Breeders' fund advisory committees.--All money  
27 allocated pursuant to this chapter shall be determined by the  
28 commission after consultation with the appropriate Breeders'  
29 Fund Advisory Committee.

30 7895.0110 THOROUGHBRED BREEDERS' FUND.

31 Subpart-1.--Definitions.--For the purposes of this part,  
32 the following terms have the meaning given them unless another  
33 intention clearly appears.

34 A.--"Minnesota-owned" means a horse whose owner or  
35 owners reside in Minnesota, who declare themselves to be  
36 residents of Minnesota for purposes of Minnesota Statutes.

1 chapter-290,-who-declare-that-they-are-not-residents-of-any  
 2 other-state,-and-all-of-whom-hold-Class-C-licenses-issued-by-the  
 3 commission-

4 B.--"Minnesota-foaled"-means-a-horse-foaled-in  
 5 Minnesota-

6 C.--"Minnesota-bred"-means-a-horse-foaled-in-Minnesota-

7 D.--"Minnesota-sire"-means-a-stallion-owned-at-least  
 8 50-percent-by-residents-of-Minnesota-or-leased-entirely-by  
 9 Minnesota-residents,-and-which-has-stood-the-entire-breeding  
 10 season,-between-February-15-and-July-31,-in-Minnesota-

11 Subp.-2.--Division-of-money.--The-money-available-from-the  
 12 breeders'-fund-for-the-thoroughbred-breed-category-shall-be  
 13 divided-as-follows:

14 A.--Thirty-one-percent-shall-be-set-aside-and-paid-to  
 15 breeders-of-Minnesota-bred-horses-through-breeders'-awards-

16 B.--Thirty-one-percent-shall-be-set-aside-and-paid-to  
 17 owners-of-Minnesota-bred-horses-as-owners'-awards-

18 C.--Thirty-one-percent-shall-be-set-aside-and-paid-to  
 19 supplement-purses-in-races-which-are-restricted-to  
 20 Minnesota-bred-or-Minnesota-owned-horses.--In-all-such-races  
 21 Minnesota-bred-horses-shall-be-preferred,-and-the-purse  
 22 supplements-shall-be-apportioned-in-accordance-with-the-quality  
 23 of-the-race-as-determined-by-the-commission-pursuant-to-part  
 24 7888.0140-

25 D.--Seven-percent-shall-be-set-aside-as-stallion  
 26 awards-and-paid-as-an-award-to-the-certified-Minnesota-owners-of  
 27 the-Minnesota-sire-at-the-time-of-breeding-

28 Subp.-3.--Distribution-of-money.--The-money-available-from  
 29 the-thoroughbred-breed-categories-shall-be-distributed-as  
 30 follows:

31 A.--"Breeders-awards"-shall-be-paid-to-the-breeder-of  
 32 a-Minnesota-bred-horse-who-finished-third-or-better-in-any  
 33 allowance,-handicap,-or-stake-race,-including-maiden-allowance-

34 B.--"Owners-awards"-shall-be-paid-to-owners-of  
 35 Minnesota-bred-horses-who-finish-third-or-better-in-any-claiming  
 36 race-for-\$10,000-or-more,-or-in-any-allowance,-handicap,-or

1 ~~stake-race,-including-maiden-allowance,-~~

2 ~~C.--"Stallion-awards"-shall-be-paid-to-the-Minnesota~~  
 3 ~~owners-of-the-Minnesota-sire-of-a-Minnesota-bred-horse-that~~  
 4 ~~finished-third-or-better-in-any-allowance,-handicap,-stake,-or~~  
 5 ~~maiden-allowance-race.-~~

6 ~~Subp.-4.--Methods-of-payment.--The-amount-of-money~~  
 7 ~~allocated-by-the-commission-for-awards-or-supplements-for-a~~  
 8 ~~qualifying-race-shall-be-paid-out-in-the-following-percentages:~~

9 ~~A.--purse-supplements-shall-be-distributed-in-the-same~~  
 10 ~~percentage-as-the-purse-money-in-the-race,-and~~

11 ~~B.--the-money-allocated-to-any-race-for-owner-or~~  
 12 ~~breeder-awards-shall-be-distributed-as-follows:~~

13 ~~(1)-60-percent-to-the-qualified-winner,-~~

14 ~~(2)-30-percent-to-the-qualified-second-place~~  
 15 ~~finisher,-and~~

16 ~~(3)-ten-percent-to-the-third-place-qualified~~  
 17 ~~finisher.-~~

18 ~~Subp.-5.--Undistributed-awards-transferred-to-residual~~  
 19 ~~funds.--Money-allocated-for-breeders'-awards-in-any-race-which~~  
 20 ~~is-not-distributed-for-lack-of-a-qualifying-horse-shall-be~~  
 21 ~~transferred-to-the-breeders'-residual-fund.--Money-allocated-for~~  
 22 ~~owners'-awards-in-any-race-which-is-not-distributed-for-lack-of~~  
 23 ~~a-qualifying-horse-shall-be-transferred-to-the-owners'-residual~~  
 24 ~~fund.--The-share-of-the-stallion-award-allocation-not~~  
 25 ~~distributed-shall-be-transferred-to-the-owners'-residual-award~~  
 26 ~~fund.-~~

27 ~~Subp.-6.--Distribution-of-residual-funds.--The-money-in-the~~  
 28 ~~respective-residual-funds-shall-be-awarded-at-the-end-of-the~~  
 29 ~~meet-and-paid-to-the-breeders-and-owners-in-proportion-to-the~~  
 30 ~~individual-purse-money-won-by-a-Minnesota-bred-horse-to-the~~  
 31 ~~total-purse-money-won-by-Minnesota-bred-horses-as-a-group.-~~

32 CHAPTER 7897

33 MINNESOTA RACING COMMISSION

34 PROHIBITED ACTS

35 7897.0100 PROHIBITED ACTS.

36 Subpart 1. Scope. The following activities are considered

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1 prohibited acts if they are committed, or attempted to be  
2 committed, ~~within the enclosure of a licensed racetrack~~ while on  
3 the grounds of an association.

4 Subp. 2. Violations of laws. No person shall engage in  
5 conduct which is in violation of federal, state, or local  
6 criminal or civil laws.

7 Subp. 3. Possession of firearms or weapons. No  
8 unauthorized person except as authorized by the commission or  
9 association, shall possess ~~within the enclosure of a licensed~~  
10 ~~racetrack~~ while on the grounds of an association a firearm or  
11 other dangerous weapon as defined in Minnesota Statutes, section  
12 609.02, subdivision 6.

13 Subp. 4. Destruction of property. No person shall damage  
14 or destroy property of the association or another by fire or any  
15 other means.

16 Subp. 5. Smoking. No person shall smoke in unauthorized  
17 nonsmoking areas as designated by the commission or the  
18 association.

19 Subp. 6. Altercations. No person shall provoke or engage  
20 in a physical altercation.

21 Subp. 7. Cooperation with security officers. No person  
22 shall fail to comply with orders of security officers or  
23 interfere with security officers in the performance of their  
24 official duties.

25 Subp. 8. Contact with jockeys/drivers. No ~~unauthorized~~  
26 ~~person~~ persons, except as authorized by the stewards, shall  
27 communicate or attempt to communicate with a jockey or gain  
28 ~~entrance to the jockeys' quarters~~ driver during racing hours, or  
29 attempt to gain entrance to the jockeys'/drivers' quarters at  
30 any time.

31 Subp. 9. Fraud. No person shall engage in any fraud or  
32 misrepresentation with regard to the breeding or racing of  
33 horses.

34 Subp. 10. Financial responsibility. No licensee shall  
35 willfully or deliberately refuse to pay any money when due for  
36 any service, supplies, or fees connected with his or her

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1 activities as a licensee, nor shall he or she falsely deny any  
 2 such amount due or the validity of the claim therefor with the  
 3 purpose of hindering or defrauding the person to whom such  
 4 indebtedness is due. All financial responsibility complaints  
 5 against a licensee shall be made in writing, signed by the  
 6 complainant, and accompanied by a judgment from a court of  
 7 competent jurisdiction.

8 Subp. 11. **Nerved horses.** No person shall bring onto the  
 9 grounds of a racetrack for the purpose of racing or selling any  
 10 horse which has had a nerve removed from its leg, other than a  
 11 horse upon which a posterior digital neurectomy has been  
 12 performed below the lowest aspect of the base of the proximal  
 13 sesamoid bones.

14 Subp. 12. **Horses with impaired vision.** No person shall  
 15 bring onto the grounds of a racetrack, or enter or cause to be  
 16 entered in any race, or sell or offer for sale, any horse which  
 17 has impaired vision in both eyes or suffers from periodic  
 18 opthalmia (commonly referred to as "moon blindness").

19 ~~Subp. 13. **Veterinary negligence.** Veterinarians shall not~~  
 20 ~~be negligent in the performance of their duties with respect to~~  
 21 ~~the health and welfare of a horse, or in the prescription or~~  
 22 ~~administration of an unauthorized medication or injectable~~  
 23 ~~substance, or in the use of equipment for hypodermic injection.~~

24 Subp. ~~14.~~ 13. **Failure to obtain license.** No person shall  
 25 fail to secure a Class C license, if required, prior to the  
 26 performance of his or her occupational duties.

27 Subp. ~~15.~~ 14. **Employing unlicensed personnel.** No licensee  
 28 shall employ unlicensed personnel unless licenses are not  
 29 required for such personnel.

30 Subp. ~~16.~~ 15. **Removing a horse without permission.** No  
 31 person shall remove from the stable area of a licensed racetrack  
 32 any horse without the written permission of the racing secretary  
 33 or the stewards.

34 Subp. ~~17.~~ 16. **Helmets to be worn.** No person shall ride or  
 35 drive a horse ~~in the stable area or on the main track or~~  
 36 training track while on the grounds of an association without a

1 properly fastened protective riding helmet.

2 Subp. ~~18-~~ 17. Hypodermic equipment and injectable  
3 substances prohibited. The following shall apply to the  
4 possession of hypodermic equipment and injectable substances at  
5 racetracks while on the grounds of an association:

6 A. While within a restricted area of a licensed  
7 racetrack no person, other than a veterinarian, shall have in  
8 his or her possession any equipment for hypodermic injection or  
9 any substance for hypodermic administration. A noninjectable  
10 medication prescribed by a veterinarian for an existing  
11 condition may be possessed, ~~but~~ provided its user has a valid  
12 current prescription and its use shall-be is consistent with the  
13 purposes of this chapter.

14 B. Notwithstanding item A, any person may have in his  
15 or her possession within a restricted area of a licensed  
16 racetrack:

17 (1) a chemical or biological substance for his or  
18 her own personal use; provided, that if such chemical substance  
19 is prohibited from being dispensed by any federal or state law  
20 without prescription, he or she possesses documentary evidence  
21 that a valid prescription for such substance has been issued to  
22 him or her; and/or

23 (2) a hypodermic syringe or needle for the  
24 purpose of administering a prescribed chemical or biological  
25 substance to himself or herself, provided that he or she has  
26 notified the stewards of the possession of such device, the size  
27 of such device, and the chemical substance to be administered by  
28 the device.

29 7897.0110 USE OF DRUGS AND ALCOHOL.

30 Subpart 1. Drugs. The commission or stewards may, at any  
31 time after consultation with the track physician, require any  
32 licensee whose duties place him or her in a position of danger,  
33 or who commits an act that endangers a horse or human, to  
34 provide blood or urine samples for chemical analysis. If such a  
35 licensee fails to comply with this requirement, said licensee  
36 shall be suspended and referred to the commission to show cause

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1 for refusing to do so.

2 Should such licensee be found to have levels of any  
3 nonprescription, prohibited, or illegal drug, the licensee shall  
4 be subject to disciplinary action by the stewards and the  
5 commission.

6 Subp. 2. Alcohol. A blood-alcohol level of greater than  
7 0.03 percent in jockeys or drivers, or 0.10 percent or greater  
8 in any other Class C licensee or employee or agent of a Class A  
9 or Class B licensee, while on the premises of a licensed  
10 racetrack, is prohibited.

11 7897.0120 DISCIPLINARY SANCTIONS.

12 Subpart 1. Licenses. Any licensee engaging in any  
13 prohibited act as provided in parts ~~7893.0100~~ 7897.0100 and  
14 ~~7893.0110~~ 7897.0110 is subject to license suspension or  
15 revocation, and/or the levying of a fine as provided in  
16 part ~~7893.0130~~ 7897.0130.

17 Subp. 2. Exclusion from racetrack. Any person engaging in  
18 any prohibited act as provided in part ~~7893.0100~~ 7897.0100 is  
19 subject to exclusion pursuant to Minnesota Statutes, section  
20 240.27, from all licensed racetracks under the jurisdiction of  
21 the commission.

22 7897.0130 SCHEDULE OF FINES.

23 Subpart 1. Imposition of fines. The commission may impose  
24 a civil fine upon any licensee for a violation of laws related  
25 to horse racing or the commission's rules after a determination  
26 of the severity of the violation. The stewards may impose a  
27 civil fine upon a Class C licensee.

28 Subp. 2. Categories of violations. The commission or  
29 stewards shall assign a violation to one of the following  
30 categories:

31 A. A "serious violation" is a failure to comply with  
32 law or rule when the failure has a substantial adverse effect on  
33 the integrity of pari-mutuel horse racing, public welfare,  
34 health, or safety.

35 B. A "violation" is any failure, other than a serious

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1 violation, to comply with a law or rule.

2 Subp. 3. Assignment of categories. In assigning a  
3 violation to a category, the commission or stewards shall  
4 consider the following factors:

5 A. inherent severity of the conduct as indicated by  
6 the potential harm to person, property, or the integrity of  
7 racing;

8 B. culpability of the violator;

9 C. frequency of the violator's failure to comply with  
10 law or rule;

11 D. actual harm caused to person, property, or the  
12 integrity of racing; and

13 E. any other factors related to the seriousness of  
14 violations which the commission or stewards deem crucial to  
15 assignment as long as the same factors are considered with  
16 regard to all violators. The commission or stewards, in making  
17 a determination, shall consider both the number of factors  
18 applicable to a violation and the degree to which each applies.

19 Subp. 4. Serious violations. Violations of Minnesota  
20 Statutes, section 240.25, misrepresentation of the identity of a  
21 horse, possession of a firearm on the racetrack premises except  
22 by an authorized security officer, and setting or attempting to  
23 set a fire on the racetrack premises, shall be deemed per se  
24 serious violations.

25 Subp. 5. Amount of fines. The fine for a serious  
26 violation of law or rule shall be \$500 to \$5,000. The fine for  
27 other violations shall not exceed \$499. The commission may  
28 impose a fine in excess of \$5,000 but no more than \$200,000  
29 against a Class A, B, or D licensee as necessary to enforce  
30 parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

31 Subp. 6. Timetable for paying fines. All fines must be  
32 paid within 72 hours upon receipt of a ruling imposing the fine.

33 7897.0130 SUSPENSION OR REVOCATION.

34 Any ground for denial of a license also is a ground for  
35 imposition of a fine, suspension, or revocation of the license.

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1 7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

2 Subpart 1. Stewards' meetings. Whenever the stewards at-a  
3 ~~raeetraek~~ have reasonable cause to believe that a Class C  
4 licensee has committed an act or engaged in conduct in violation  
5 of statute or rules of the commission or which in the opinion of  
6 the stewards otherwise adversely affects the integrity of horse  
7 racing, the following procedures will apply:

8 A. The licensee shall be immediately subject to such  
9 intermediate conditions, limitations, and restrictions as the  
10 stewards decide necessary to protect the public safety, health,  
11 and welfare and to ensure the integrity of racing.

12 B. Within three days of the matter coming to the  
13 attention of the stewards, the licensee shall be summoned to a  
14 meeting of the stewards called for the purpose of investigating  
15 suspected or alleged misconduct by the licensee at which all  
16 stewards or their appointed deputies shall be present; however,  
17 the licensee may request a continuance and such continuance need  
18 not necessarily stay any intermediate sanction.

19 C. The summons given to the licensee shall be in  
20 writing and give adequate notice of the date, time, place, and  
21 purpose of the stewards' meeting, and shall specify by number  
22 the statutes or rules allegedly violated.

23 D. Every person called to testify before the stewards  
24 at such meeting is entitled to have counsel or an observer of  
25 the person's choosing present at the meeting; however, such  
26 counsel or observer may only participate under such conditions  
27 or in such manner as the stewards direct.

28 E. If a licensee, after receiving adequate notice of  
29 a stewards' meeting, fails to appear as summoned, the licensee  
30 will be deemed to have waived any right to appear and present  
31 evidence to the stewards.

32 F. No special announcement of the meeting or of the  
33 alleged infraction of rules shall be made until after the  
34 stewards' meeting, when the stewards shall transmit a signed  
35 written decision to the commission and to the licensee  
36 containing the stewards' findings and the penalty imposed.

1           G. In the event the stewards are unable to arrive at  
2 a decision by a majority vote, the matter will automatically be  
3 referred to the commission and treated as an appeal.

4           Subp. 2. Penalties imposed by stewards. The stewards may  
5 suspend the license of the holder up to 30 days, and/or impose a  
6 fine of up to \$500 in accordance with the schedule of fines in  
7 part 7897.0120; or they may order any other appropriate  
8 disciplinary or corrective action.

9           Subp. 3. Appeal to commission. A stewards' decision  
10 regarding a licensee may be appealed to the commission by:

11           A. The stewards or any person affected by the  
12 decision if such person believes that a greater sanction than  
13 that ordered by the stewards is warranted.

14           B. The licensee asking the commission to reverse the  
15 stewards' decision in whole or part or to lessen the sanction  
16 ordered by the stewards.

17           C. All appeals to the commission will be heard de  
18 novo and are not subject to the contested case procedures.

19           Subp. 4. Review or complaint by executive secretary or  
20 motion of commission. Nothing in this chapter precludes the  
21 commission from instituting proceedings to review a stewards'  
22 decision on its own motion or complaint of the executive  
23 secretary.

24           Subp. 5. Stays of stewards' decisions. An appeal of a  
25 stewards' decision will not automatically stay the decision. A  
26 party may request the executive secretary to stay the decision.  
27 The executive secretary may order a stay unless he or she  
28 determines that a stay would adversely affect the public welfare.

29           Subp. 6. Procedure for appeal of decision of stewards.  
30 Any affected party may appeal a decision of the stewards by  
31 filing with the executive secretary a written request for such  
32 an appeal within three days, excluding Saturday, Sunday, and  
33 holidays, after the stewards' decision is received. The written  
34 request shall contain the following information:

35           A. the name, address, and telephone number, if any,  
36 of the appellant;

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1 B. a description of the objections to the decision of  
2 the stewards;

3 C. a statement of the relief sought;

4 D. the date on which the decision was made; and

5 E. whether the appellant desires to be present in  
6 person at the hearing of the appeal.

7 Subp. 7. Deposit shall be required. The appellant shall  
8 deposit with the commission at the time of filing his or her  
9 written request for an appeal the sum of \$50. The sum will be  
10 refunded by the commission upon the conclusion of the appeal  
11 unless the commission finds that the appeal was frivolous, in  
12 which case the \$50 will be forfeited.

13 Subp. 8. Commission shall set date for hearing. Within  
14 five days, excluding Saturday, Sunday, and holidays, of receipt  
15 of a written request for an appeal and the \$50 deposit, the  
16 commission chair shall set a date, time, and place for the  
17 hearing, and shall give at least ten days' notice of the hearing  
18 to the appellant and any other party affected by the appeal.  
19 Such notice shall be in writing and shall set out the date,  
20 time, and place of the hearing, and shall be served personally  
21 or sent by mail to the last known address of the appellant and  
22 any other party affected by the appeal.

23 Subp. 9. Appeal by commission. When the commission  
24 institutes an appeal on its own motion or at the request of the  
25 stewards or executive secretary, a notice of appeal shall be  
26 served personally or sent by mail to each person who may be  
27 affected by the appeal, addressed to his or her last known place  
28 of residence, at least ten days prior to the hearing of the  
29 appeal. This notice of appeal shall contain the following:

30 A. the decision being appealed from;

31 B. the date on which the decision was made;

32 C. the grounds of the appeal; and

33 D. the date, time, and place on which the commission  
34 proposes to hear the appeal.

35 7897.0160 COMPOSITION OF HEARING PANEL.

36 Subpart 1. Designation of panel. All appeals of stewards'

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1 rulings may be heard by a panel of three or more commission  
2 members. The commission chair shall appoint the panel members  
3 and shall also designate one of them as the chair of the panel.

4 Subp. 2. Hearing panel's decision. All decisions of the  
5 hearing panel must be made by majority vote. In the event the  
6 hearing panel is unable to arrive at a decision by a majority  
7 vote, the commission will consider the appeal based on the  
8 record before the hearing panel. The hearing panel shall issue  
9 its written decision within ten days, excluding Saturday,  
10 Sunday, and holidays, based on the record and must include the  
11 hearing panel's findings of fact and conclusions on all material  
12 issues. A copy of the hearing panel's decision shall be served  
13 upon all parties by first class mail.

14 7897.0170 CONDUCT OF APPEAL HEARING.

15 Subpart 1. Rights of parties. All parties shall have the  
16 right to present evidence, rebuttal testimony, and argument with  
17 respect to the issues, and to cross-examine witnesses.

18 Subp. 2. Witnesses. Any party may be a witness or may  
19 present witnesses on his or her behalf at the hearing. All oral  
20 testimony at the hearing shall be under oath or affirmation. At  
21 the request of a party or upon the motion of the hearing panel,  
22 witnesses may be sequestered from the hearing room during the  
23 testimony of other witnesses.

24 Subp. 3. Admissible evidence. The hearing panel may admit  
25 all evidence which possesses probative value, including hearsay,  
26 if it is the type of evidence which reasonable, prudent persons  
27 are accustomed to rely upon in the conduct of their serious  
28 affairs. The hearing panel shall give effect to the rules of  
29 legal privilege recognized by law. Evidence which is  
30 incompetent, irrelevant, immaterial, or unduly repetitious may  
31 be excluded. All rulings on evidentiary matters shall be made  
32 by the chair of the hearing panel.

33 Subp. 4. Evidence part of record. All evidence to be  
34 considered in the case, including all records and documents in  
35 the possession of the stewards or commission, or a true and  
36 accurate photocopy thereof, may be offered and made a part of

1 the record in the case. No other factual information or  
2 evidence shall be considered in the determination of the case.

3 Subp. 5. Documents. Documentary evidence in the form of  
4 copies or excerpts may be received or incorporated into the  
5 record by reference in the discretion of the hearing panel, or  
6 upon agreement of the parties.

7 Subp. 6. Official notice of facts. The hearing panel may  
8 take notice of judicially cognizable facts but shall do so on  
9 the record and with the opportunity for any party to contest the  
10 facts so noticed.

11 Subp. 7. Burden of proof. The party proposing the that  
12 certain action be taken must prove the facts at issue by a  
13 preponderance of the evidence, unless the substantive law  
14 provides a different burden or standard.

15 Subp. 8. Examination of adverse party. A party may call  
16 an adverse party or his or her managing agent or employees, or  
17 an officer, director, managing agent, or employee of the state  
18 or any political subdivision thereof or of a public or private  
19 corporation or of a partnership or association or body politic  
20 which is an adverse party, and interrogate him or her by leading  
21 questions and contradict and impeach him or her on material  
22 matters in all respects as if he or she had been called by the  
23 adverse party. The adverse party may be examined by his or her  
24 counsel upon the subject matter of his or her examination in  
25 chief under the rules applicable to direct examination, and may  
26 be cross-examined, contradicted, and impeached by any other  
27 party adversely affected by his or her testimony.

28 Subp. 9. Record of proceedings. All proceedings before  
29 the hearing panel must be recorded. Court reporters may be used  
30 upon the request of any party; however, the court reporter's  
31 cost shall be borne by the requesting party.

32 7897.0180 SUBPOENAS.

33 Subpart 1. Written request. Requests for subpoenas for  
34 the attendance of witnesses or the production of documents shall  
35 be made in writing to the hearing panel and shall contain a  
36 brief statement demonstrating the potential relevance of the

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1 testimony or evidence sought, and shall identify any documents  
2 sought with specificity, and shall name all persons to be  
3 subpoenaed.

4 Subp. 2. Service. A subpoena shall be served in the  
5 manner provided by the rules of civil procedure for the district  
6 court of Minnesota, unless otherwise provided by law. The cost  
7 of service, fees, and expenses of any witnesses subpoenaed shall  
8 be paid by the party at whose request the witness appears. When  
9 the subpoena is issued on behalf of the commission or employees  
10 thereof, fees and expenses need not be paid. The person serving  
11 the subpoena shall make proof of service by filing a copy of the  
12 subpoena with the hearing panel, together with an affidavit of  
13 service.

14 Subp. 3. Motion to quash. Upon motion made promptly and,  
15 in any event, at or before the time specified in the subpoena  
16 for compliance therewith, the hearing panel may quash or modify  
17 the subpoena if it finds that it is unreasonable or oppressive.

18 7897.0190 DISCIPLINARY ACTION BY COMMISSION.

19 Subpart 1. Contested case hearings. The commission may  
20 take the following disciplinary action only after a contested  
21 case hearing held in accordance with the contested case  
22 procedures in Minnesota Statutes, chapter 14 and rules adopted  
23 pursuant thereto:

- 24 A. revoke a Class A, B, C, or D license;  
25 B. suspend or fine a Class A, B, or D license; and  
26 C. suspend a Class C license for more than 30 days,  
27 and/or fine a Class C license in an amount exceeding \$500.

28 Subp. 2. Procedure. The commission shall notify a  
29 licensee in writing of the charges and intended disciplinary  
30 action, and of the licensee's right to a contested case. Any  
31 contested case hearing shall be commenced in the manner provided  
32 for in Minnesota Statutes, chapter 14, and rules adopted  
33 pursuant thereto.

34 7897.0200 COMMISSION DECISION.

35 Subpart 1. Exceptions. Parties adversely affected by the

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1 report of the administrative law judge shall have 20 days from  
2 the date of service of the report to file exceptions with the  
3 commission and request an opportunity to present written  
4 arguments to the commission.

5 Subp. 2. Consideration of arguments. If there has been a  
6 request for an opportunity to present written arguments, the  
7 commission shall, as soon as practicable, set dates for the  
8 filing of such arguments and give reasonable notice thereof to  
9 all parties to the contested case.

10 Subp. 3. Decision or order. The decision or order shall  
11 be in writing or stated in the record and shall be accompanied  
12 by a statement of the reasons therefor. The statement of  
13 reasons shall consist of a concise statement of the conclusions  
14 upon each contested issue of fact necessary to the decision.  
15 Parties to the proceeding shall be served personally served or  
16 by first-class mail with a copy of the decision or order and  
17 accompanying statement of reasons, ~~er-by-first-class-mail~~.

18 7897.0210 REHEARING.

19 Subpart 1. Limitations. The commission may, upon request  
20 or its own motion and for good cause shown, reopen, rehear, and  
21 redetermine a contested case after a final decision has been  
22 reached adverse to a party to the contested case other than the  
23 commission. This right may be exercised until it is lost by  
24 appeal or until a reasonable time has run, but in no event shall  
25 the time exceed the time allowed by statute for appeal or six  
26 months, whichever is shorter.

27 Subp. 2. Parties other than commission. At any time prior  
28 to the commission's loss of the right to rehear a contested  
29 case, any party to that case may request a rehearing by filing a  
30 petition for rehearing. Such petition shall contain the name  
31 and address of the petitioner, the commission designation for  
32 the case, and the basis for the petition.

33 Subp. 3. Commission's own motion. The commission may, on  
34 its own motion, for good cause stated in the record, reopen,  
35 rehear, and redetermine a contested case if the decision was  
36 adverse to a party to that case other than the commission.

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1 Subp. 4. Default judgments. A party against whom a  
2 default has been adjudged pursuant to part 1400.6000 may obtain  
3 a rehearing upon a timely showing of good cause for his or her  
4 failure to appear or plead.

5 Subp. 5. Determination. The commission shall grant or  
6 deny a petition for rehearing as a part of the record in the  
7 case. Such petition shall be granted if there appears on the  
8 face of the petition and the record irregularities in the  
9 proceedings, errors of law occurring during the proceedings,  
10 newly discovered material evidence, a lack of substantial  
11 evidence to support the decision, or good cause for failure to  
12 appear or plead. Evidence and argument may be presented at the  
13 discretion of the commission in written or oral form, or both,  
14 by any party to the contested case with respect to the petition.

15 Subp. 6. Rehearing procedure. A rehearing in a contested  
16 case shall be conducted in the same manner prescribed by the  
17 rules of the office of administrative hearings.

18 Subp. 7. Decision after rehearing. The decision after  
19 rehearing shall be made in the same manner prescribed for the  
20 decision after the hearing.

21 7897.0220 APPEAL BY COMMISSION.

22 The commission may appeal pursuant to Minnesota Statutes,  
23 sections 14.63 to 14.68 any adverse decision. The commission  
24 shall be deemed a "person" for such purposes.

25 CHAPTER 7899

26 MINNESOTA RACING COMMISSION

27 VARIANCES

28 7899.0100 VARIANCES.

29 Subpart 1. Procedures and standards. The procedures and  
30 standards contained in this part govern the consideration and  
31 disposition of all variance requests submitted to the commission.

32 Subp. 2. Requests for a variance. A person desirous of  
33 obtaining a variance from the application of one or more of the  
34 commission's rules shall initiate the variance process by  
35 submitting to the commission 12 copies of the following

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1 information and documents:

2           A. a statement setting forth the precise nature and  
3 extent of the proposed variance and the reasons the variance is  
4 being requested;

5           B. any supporting documentation necessary to provide  
6 a complete description of the proposed variance; and

7           C. a detailed statement addressing each of the  
8 applicable variance criteria contained in this chapter, and  
9 setting forth the reasons as to why the variance request is in  
10 conformance with those criteria.

11           Subp. 3. Disposition of variance requests. The commission  
12 shall grant or deny a variance pursuant to the following  
13 procedures and standards:

14           A. Upon receipt of a variance request, the commission  
15 shall send written notice thereof to all persons who have  
16 registered their names with the commission for the purpose of  
17 being notified of rulemaking proceedings or variance requests,  
18 and the commission shall not act upon the variance for 30  
19 calendar days after it has issued the notice. The notice shall  
20 contain a brief description of the variance request, a statement  
21 that any person wishing to comment on the request may do so in  
22 writing, and a statement that the commission will not act on the  
23 variance request until interested persons have been afforded at  
24 least 30 calendar days after the commission's issuance of the  
25 notice to submit their comments.

26           B. If, after receiving the variance request, the  
27 commission determines that additional information must be  
28 submitted by the requesting person, it may direct the person  
29 seeking the variance to submit additional data regarding the  
30 variance request to the commission, or appear before the  
31 commission to provide additional information thereon.

32           C. To facilitate full consideration of a variance  
33 request the commission may, in its discretion, request that the  
34 person seeking the variance and other persons who have submitted  
35 written comments regarding the variance appear before the  
36 commission and make arguments to the commission. In such event,

1 the commission shall provide the aforementioned persons notice  
2 of the appearance request at least seven days before the  
3 commission meeting at which the variance request is to be  
4 considered. This procedure shall not constitute a contested  
5 case as defined in Minnesota Statutes, section 14.02,  
6 subdivision 3.

7 D. If a person requesting a variance fails to follow  
8 the variance procedures specified in this chapter, the variance  
9 shall be denied.

10 E. The commission shall set forth in writing and  
11 submit to the person requesting the variance and other persons  
12 who have submitted written comments thereon the reasons why it  
13 has granted or denied the variance request within 30 days after  
14 its disposition of the request.

15 Subp. 4. Standards for granting and denying variance  
16 requests. The commission shall grant a variance to the  
17 application of any of its rules only if it determines that all  
18 of the following criteria have been met:

19 A. strict application of the rule to which a variance  
20 is being requested would cause undue and substantial hardship to  
21 the person applying for the variance;

22 B. the granting of the variance does not confer a  
23 benefit on the person requesting the variance which is not  
24 enjoyed by other persons similarly situated;

25 C. the granting of the variance does not  
26 substantially impair the intent and purposes of the commission's  
27 rules;

28 D. the variance may be granted without material  
29 detriment to the integrity of racing or the public health,  
30 welfare, or safety;

31 E. the granting of the variance does not allow  
32 violation of the standards or requirements in Minnesota  
33 Statutes, chapter 240; and

34 F. with respect to variances concerning part  
35 7870.0500, subparts 5 to 9, demographic or geographic evidence  
36 supports the variance request.

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY: