

Minnesota Racing Commission**Proposed Permanent Rules Relating to Horse Racing; Medical Services; Licensure****7870.0480 MEDICAL SERVICES.**

Subpart 1. Medical facilities, equipment, and personnel. A licensed racetrack facility must provide at least, the following medical facilities, equipment, and personnel:

- A. a fully equipped first aid room with at least two beds;
- B. a licensed physician or paramedic, who has been trained in assessing concussions, on the grounds during live racing hours; and
- C. an emergency response team of not less than two emergency medical technicians must be on the grounds and equipped with essential emergency equipment during qualifying and live racing, training, or horse exercising hours.

Subp. 2. Concussion protocol. Beginning April 1, 2021, a licensed racetrack shall adopt, publicly post, and implement a written protocol for the management of concussions in jockeys and drivers. The protocol and any subsequent amendments must be approved by the commission. Before a jockey or driver races at a licensed racetrack, the licensed racetrack shall obtain a written acknowledgment from the jockey or driver that the jockey or driver has been made aware of the requirements of the concussion protocol. At a minimum, the concussion protocol shall contain the following elements:

- A. each jockey or driver must provide the licensed racetrack with documentation of having completed a valid Sport Concussion Assessment Tool prior to racing at the licensed racetrack;
- B. the licensed racetrack shall establish and enforce guidelines requiring a jockey or driver who has suffered a concussion, or suspected concussion, to be cleared by a qualified medical professional before returning to racing; and

C. the licensed racetrack shall ensure that the stewards are notified in writing when a jockey or driver is not permitted to ride and when a jockey or driver has been cleared to resume riding.

For purposes of this subpart, the term "jockey" includes a jockey and an apprentice jockey.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Individual application content.** An application from an individual for a Class C license must include the following information with respect to the applicant:

- A. date of birth;
- B. Social Security number, Social Insurance Number, or other foreign equivalent;
- C. ~~home~~ address where the commission may send official notices related to the application and license;
- D. ~~home~~ telephone number where the commission may contact the applicant regarding the application or license;
- E. ~~names~~ name and ~~addresses~~ address of ~~previous employers~~ current or most recent employer;
- F. a signed statement authorizing the release of information to the commission and the Alcohol and Gambling Enforcement Division; ~~and~~
- G. if the applicant is 18 through 70 years of age and has not provided the commission with fingerprints in the last five years, a completed FBI fingerprint card, or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency; and

H. any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.

Subp. 2a. **Nonindividual application content.** An application for a Class C license from a corporation, partnership, or other nonindividual entity must include:

A. the name and address of the applicant, including a physical address and website or e-mail address;

B. the name, title, and contact information of an individual authorized to communicate with the commission on matters relating to the application and license;

C. details of the applicant's corporate structure and organization, if applicable;

D. the tax identification number of the applicant;

E. the names, addresses, dates of birth, and Social Security numbers of all key employees and beneficial owners;

F. a completed FBI fingerprint card or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency from each key employee and beneficial owner who is age 18 through 70 and has not provided the commission with fingerprints in the last five years;

G. a list of licenses held by the applicant with other racing or gaming jurisdictions;

H. a list of all criminal, civil, and regulatory actions involving the applicant and any key employee or beneficial owner of the applicant;

I. details of licenses that have been denied, suspended, or revoked in any racing or gaming jurisdiction, including all licenses where any key employee or beneficial owner of the applicant was a key employee or beneficial owner of the entity whose license was denied, suspended, or revoked;

J. copies of all contracts with Class A or B license holders;

K. consent to submit to the jurisdiction of Minnesota state courts and agencies in any action relating to the subject matter of the license, application, or business with a Class A or B license holder; and

L. any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.

Subp. 3. **Application submission.** An application shall not be considered filed until the application form has been filled out completely, ~~and~~ all information requested by the commission has been supplied, and the license fee as been paid. Knowingly providing the commission with false or misleading information shall be grounds for denial of the application.

Subp. 3a. **Racing Commissioners International Multi-Jurisdictional Licensing Program Application accepted.** In lieu of submitting an application on forms provided by the commission, an individual applicant for a Class C owner's license may submit a signed and dated copy of the Racing Commissioners International Multi-Jurisdictional Licensing Program application, the application fee listed in part 7877.0120, and a supplemental affidavit on a form prescribed by the commission. All requirements listed in subpart 2 apply to such applicants.

Subp. 3b. **National Racing Compact license accepted for single owners.** An individual applicant for a Class C owner's license may apply through the National Racing Compact, pay the fee listed in part 7877.0120, and submit a supplemental affidavit on a form prescribed by the commission. An individual licensed by the National Racing Compact whose license is in good standing in each jurisdiction where the individual has held a racing license will be granted a single owner's license upon submission of the required license fee and supplemental affidavit.

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing

officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

[For text of items A to U, see Minnesota Rules]

V. any other official as designated by the commission.

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

The association shall be responsible for filing a complete application for a Class C license, including a personal resume, with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent the applicant from performing the duties of a racing official.

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

Under no circumstances shall an identifier, placing judge, or patrol judge ~~be approved by the commission~~ begin working in that capacity unless the person has provided the commission with documentation of having satisfactorily passed an optical examination within 90 days prior to approval evidencing beginning work. The documentation must show that the person has at least 20-20 vision (corrected) and the ability to distinguish colors.

7877.0120 FEES.

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

A. bloodstock agent, \$100;

B. concessionaire/vendor, \$100;

[For text of items C to M, see Minnesota Rules]

N. owner, ~~individual~~ single, one-year, \$50; three-year, \$150;

O. owner, multiple, corporate, partnership, or stable, one-year, \$50; three-year, \$150;

[For text of items P to AA, see Minnesota Rules]

BB. owner/trainer/driver, \$100; ~~and~~

CC. with the exception of owner/trainer/driver, all applicants to participate at a Class B or D licensed facility where the meet to be conducted is seven or fewer days, \$10-;

DD. advisory committee member, no charge;

EE. large racing or gaming-related vendor, \$2,500;

FF. small racing or gaming-related vendor, \$1,000;

GG. tip sheet provider, \$100; and

HH. commission staff or contractor, no charge.

Subp. 2. [See repealer.]

[For text of subparts 3 and 4, see Minnesota Rules]

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Compliance with laws.** An applicant for a Class C license shall certify that ~~he or she~~ the applicant is and shall remain in compliance with all applicable federal and state laws and rules including, but not limited to laws and rules relating to immigration, discrimination, racing, tax, affirmative action, the ADA, and workers' compensation.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Individual Single owners.** An applicant for ~~an individual~~ a single owner's license must own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with the racing secretary and under the care of a trainer licensed by the commission.

If younger than 18 years of age, an applicant for ~~an individual~~ a single owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2, and must meet the criteria for licensure set forth in part 7877.0100, subpart 2, and Minnesota Statutes, section 240.08. If the commission has reason to doubt the financial responsibility of an applicant for ~~an individual~~ a single owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

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

[For text of items B to D, see Minnesota Rules]

E. A ~~corporation~~ multiple owner must file with the commission, at the time of application for a Class C license, a ~~copy of its articles of incorporation and a~~ notarized statement signed by ~~its chief executive officer~~ one or more individuals agreeing to represent the entire ownership and be responsible for the ~~corporation's~~ multiple owner's horses and all racing matters.

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

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

~~H. F.~~ A stable is defined as any ownership operating under a name other than their own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name which has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."

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

[For text of item A, see Minnesota Rules]

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

[For text of item C, see Minnesota Rules]

D. An applicant for a trainer's license shall ~~provide proof of having complied~~ comply with the workers' compensation laws and maintain all applicable policies and requirements ~~with~~ under Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder. The Minnesota Racing Commission shall be named as a certificate holder with the insurance company providing the workers' compensation coverage. The commission, as a certificate holder, must be notified of any changes in the policy ~~within a reasonable time, not to exceed 30 days from the date of the policy change~~ at the same time as the policy holder or by the earliest date permitted under the policy and applicable law.

[For text of subparts 4 to 6, see Minnesota Rules]

Subp. 7. **Exercise rider.** An applicant for an exercise rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse. A person licensed as an exercise rider is eligible to be licensed as a pony rider.

[For text of subparts 8 to 15, see Minnesota Rules]

Subp. 16. **Concessionaire or vendor.** Notwithstanding part 7877.0100, subpart 1, ~~any person or entity that sells or distributes products or provides services at a Class A or D facility outside of the time of a live race meeting for fewer than four consecutive days, or less than a total of 11 days in a calendar year, and which products or services are sold or~~

~~distributed in a restricted area or are necessary for the running of a horse race, does not need to be licensed. The director of pari-mutuel racing shall request the director of the Division of Alcohol and Gambling Enforcement to investigate the background, financial responsibility, security, and integrity of any person or entity providing such products or services to a licensed racetrack.~~ the following vendors, and their employees or representatives, do not need a license from the commission:

A. providers of professional services that are currently licensed in good standing by the state, including but not limited to accountants, attorneys, insurance companies, construction companies, private investigators, medical professionals, and caterers;

B. state or local government agencies;

C. the Minnesota Lottery;

D. entertainers and entertainment promoters;

E. nonprofit organizations and their volunteers; and

F. any vendor, other than a racing or gaming-related vendor as defined in subpart 17:

(1) that sells or distributes products or provides services at a Class A or D licensed facility outside of the time of a live race meeting for fewer than four consecutive days or less than a total of 11 days in a calendar year; and

(2) whose products or services are not sold or distributed in a restricted area of a licensed racetrack.

Subp. 17. Racing or gaming-related vendors.

A. Any person meeting the definition of Minnesota Statutes, section 240.01, subdivision 18a, must be licensed as a racing or gaming-related vendor. This includes all vendors who sell, provide, distribute, repair, or maintain the following:

- (1) totalizator equipment and services;
- (2) satellite equipment and services;
- (3) security and surveillance equipment and services;
- (4) teletimer equipment and services;
- (5) tip sheets;
- (6) electronic game tables and game systems;
- (7) card tables and their components;
- (8) licensed card games;
- (9) chips, cards, shufflers, and related services and supplies;
- (10) photo and video equipment, services, and supplies;
- (11) pari-mutuel wagering machines, systems, and tickets;
- (12) chart caller services; and

(13) any other goods or services that the commission reasonably determines are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing. In making any such determination, the commission shall consider whether the goods or services:

- (a) are designed for use in the conduct of horse racing or card playing;
- (b) will be used to conduct racing, gaming, or related functions;
- (c) have the capacity to affect the outcome of a horse race or card game;
- (d) have the capacity to affect the calculation, storage, collection, or

control of gross receipts or payouts; or

(e) may materially impact the operation, security, surveillance, regulation, or management of horse racing or card playing.

B. "Small racing or gaming-related vendor" means a racing or gaming-related vendor, other than a tip sheet provider, that does not collect more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

C. "Large racing or gaming-related vendor" means a racing or gaming-related vendor that collects more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

D. In addition to the information required by part 7877.0110, at the time of application for a Class C license, and at any other time upon request of the commission, a racing or gaming-related vendor shall provide the commission with a report detailing its monthly gross receipts from all business transacted with, or on the premises of, all Class A and B license holders during the most recent calendar year.

7877.0135 DUAL LICENSING.

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

[For text of items A to E, see Minnesota Rules]

7877.0140 TEMPORARY LICENSE.

Subpart 1. **Issuance.** Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the commission may grant a temporary license and badge to a person who has filed a complete and sufficient

application for a Class C license and paid all applicable fees, which are nonrefundable. A temporary license must be granted if:

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

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

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

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

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, upon voluntary withdrawal of the application for a Class C license, or 120 60 days after the grant of the temporary license, whichever occurs first. An individual whose license is denied or who withdraws their application for a Class C license shall immediately surrender their badge to the commission.

7877.0145 EMERGENCY LICENSE.

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

Subp. 2. **Owners.** If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

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

The trainer must, at the time of submission for an emergency owner's license, provide at least the following information: the owner's full name, home or business address, telephone number, and Social Security number, Social Insurance Number, tax identification number, or foreign equivalent. At the time of application, the appropriate licensing fee must be paid to the commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license. An emergency owner's license shall expire 21 days from the date it is issued.

~~Within 21 days of the issuance~~ Prior to the expiration of the emergency owner's license, the owner must submit a properly completed owner's application, ~~fingerprint card, and fingerprint fee~~ as required by parts 7877.0110 and 7877.0130. Failure to ~~provide the foregoing information~~ do so is grounds for ~~suspension of the emergency owner's license~~ forfeiture of any purse money won by the owner when racing under the emergency license. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

7877.0150 REPLACEMENT LICENSE BADGE.

A person whose ~~license (ID badge)~~ is lost, destroyed, or mutilated must request issuance of a replacement license badge and pay a fee of \$25.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

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

A. The licensee ~~will abide~~ is responsible for knowing and abiding by applicable laws and commission rules.

[For text of items B and C, see Minnesota Rules]

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

E. The licensee will submit to inspections and searches, and to the seizure of any items reasonably suspected to be prohibited by law or the commission's rules, as hereinafter provided:

(1) When investigating for violations of law or rules upon the grounds of an association, the commission or the stewards may designate the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A, B, or D licensee under the commission's jurisdiction. This authority shall extend to searches, seizures, and inspections of persons and personal effects in and about grounds.

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

[For text of items F to H, see Minnesota Rules]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

Subpart 1. **Duration.** Except as otherwise provided in this subpart, a Class C license other than a temporary or emergency license shall expire at midnight on December 31 of the calendar year after its issuance for which it was issued. A license to conduct advance deposit wagering issued after October 15 of any calendar year shall expire on December 31 of the following calendar year. A three-year owner license shall expire at midnight on December 31 of the second calendar year after the calendar year for which it was issued.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the responsibilities in items A to E.

[For text of items A and B, see Minnesota Rules]

C. Owners shall comply with rules of claiming as specified in chapter 7883 and 7884.

D. An owner of a thoroughbred, quarter horse, Arabian, or other breed is responsible for the registration of colors and for their availability to, and use by, the jockey engaged to ride the owner's horse.

E. Upon receipt of a positive lab report, an owner is subject to part penalties provided in parts 7869.0200 and 7892.0150.

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. A trainer shall keep in the trainer's charge or under the trainer's supervision at the licensed racetrack horses owned or leased only by owners or lessees who are licensed by the commission.

[For text of items B to M, see Minnesota Rules]

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is pregnant or is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier, racing secretary, and commission veterinarian.

[For text of items O to Q, see Minnesota Rules]

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer or assistant trainer to fulfill the absent trainer's duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

[For text of items S to V, see Minnesota Rules]

[For text of subpart 2a, see Minnesota Rules]

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

[For text of items A to K, see Minnesota Rules]

L. A jockey must wear the racing colors provided by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. With the approval of the stewards, the jockeys will be permitted to wear black mud pants during bad weather conditions or during muddy or sloppy track conditions.

(1) A jockey shall not wear advertising or promotional material of any kind on clothing during a race unless the material:

(a) advertises or promotes the ~~Jockey's~~ Jockeys' Guild;

[For text of units (b) to (d), see Minnesota Rules]

[For text of subitem (2), see Minnesota Rules]

[For text of items M to U, see Minnesota Rules]

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

~~W. V.~~ V. No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or riding crop, from the time they leave the paddock until after dismounting from a race.

~~X. W.~~ W. A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension. For each racing day that a jockey is permitted to ride in a stakes or trial race under this item, the stewards shall designate an additional day of suspension to be served.

X. Beginning April 1, 2021, jockeys and apprentice jockeys shall comply with the concussion protocol in place at the licensed racetrack.

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

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

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

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

A driver reporting to the driver's room must remain there until the driver has fulfilled all of that day's driving engagements. While in the performance of the driver's duties, the driver must have no contact or communication with any person outside the driver's room, without the permission of the stewards, other than with an owner or trainer for whom the driver is driving that day, or other commission officials.

Beginning April 1, 2021, a driver shall comply with the concussion protocol in place at the licensed racetrack.

[For text of subparts 5 to 9a, see Minnesota Rules]

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

[For text of items A and B, see Minnesota Rules]

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by an original certificate of veterinary inspection completed by an accredited veterinarian and issued not more than ten days prior to arrival. It must contain complete equine ~~infections~~ infectious anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate of veterinary inspection must

be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection for horses leaving and returning on an ongoing basis throughout the meet must be renewed within the first five days of each month.

[For text of items D and E, see Minnesota Rules]

[For text of subpart 11, see Minnesota Rules]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Clerk of scales.** The clerk of scales shall have the responsibilities in items A to ~~F~~ H.

[For text of items A to G, see Minnesota Rules]

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

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

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

[For text of items A to C, see Minnesota Rules]

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

(1) The starter, with the consent of the stewards, shall determine the procedures for loading horses into the starting gate.

[For text of subitems (2) to (4), see Minnesota Rules]

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be kept for at least 90 days after the last day of the race meet and shall be made available to the stewards or the commission upon request.

[For text of subitem (6), see Minnesota Rules]

[For text of subpart 4, see Minnesota Rules]

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

A. Getting the field on the track for post parades in accordance with the schedule given by the stewards.

B. Inspection of horses for changes in equipment, nonrecognized racing equipment, broken or faulty equipment, head numbers, or saddle pads.

C. Supervision of paddock gate persons.

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo ~~or~~, freeze brand, digital tattoo, or microchip number.

[For text of items E and F, see Minnesota Rules]

G. ~~Insuring~~ Ensuring that only authorized persons are permitted in the paddock, and ~~shall notify~~ notifying the stewards of any apparent rule violation occurring in the paddock.

H. Immediately reporting to the commission veterinarian or the association veterinarian the suspected infirmity or unsoundness of any horse.

[For text of subparts 5 to 11, see Minnesota Rules]

Subp. 12. **Clocker (thoroughbred, quarter horse, Arabian, or other breeds).** A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted.

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

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

[For text of subparts 13 to 15, see Minnesota Rules]

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

Subpart 1. **Qualifications for stewards.** No person may qualify for commission appointment or approval as a steward unless:

A. ~~he or she has served as a steward, director of racing, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, identifier, clerk of scales, or other racing officials' position at one or more recognized race meetings for a period of not less than 60 days per year during at least three of the five preceding calendar years or has had at least five years experience as a trainer or a jockey. In the case of racing at a Class B facility, other than in an emergency situation, all candidates must be formally~~ the person is fully accredited by a recognized accrediting organization;

B. ~~he or she~~ the person has satisfactorily passed an optical examination within 90 days prior to approval as a steward evidencing 20-20 vision (corrected) and the ability to distinguish colors; and

[For text of item C, see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Specific duties and responsibilities of stewards.** In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform those and all other duties listed in this part, the stewards shall have the following specific duties and responsibilities:

[For text of items A to F, see Minnesota Rules]

G. To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to same; the stewards may refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries when necessary to protect the safety or integrity of racing. The stewards shall promptly notify the mutuels manager of any horse scratched from a race.

[For text of items H to P, see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

7897.0190 CONTESTED CASE HEARINGS.

Subpart 1. **Right to a contested case hearing.** In lieu of an appeal under part 7877.0155, if the commission orders any of the following disciplinary sanctions, the licensee may elect to appeal by requesting a contested case hearing, to be held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

- A. revocation of a license;
- B. suspension of a Class A, B, or D license;

C. suspension of a Class C license for more than ~~180 days~~ one year; or

D. a fine of more than ~~\$5,000~~ \$10,000.

Subp. 2. **Contested case procedure.** The commission shall notify a licensee in writing of the sanction, and of the licensee's right to appeal by requesting a contested case hearing. A request for a contested case hearing must be made in writing and delivered to the commission's director by certified mail or personal service. If delivered by certified mail, the request must be postmarked within ten calendar days after the licensee received the commission's sanction order. If a request is delivered by personal service, it must be received by the commission's director within ten calendar days after the licensee received the commission's sanction order. If a licensee submits a timely request for a contested case hearing under this subpart, the disciplinary sanction shall be stayed until the ~~commissioner~~ commission issues a final order following the contested case hearing. However, the imposition of the sanction shall not be stayed if the commission had summarily suspended the license in the 90 days preceding the issuance of the sanction order and the licensee either did not appeal the summary suspension or the commission affirmed the summary suspension after appeal. Any contested case hearing shall be commenced and held in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

[For text of subparts 3 to 5, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 7877.0120, subpart 2; and 7877.0160, subparts 2, 3, and 4, are repealed.