

DUTIES AND REQUIREMENTS OF ASSOCIATIONS (RACE MEET LICENSEES) - CHAPTER 7

ARCI-007-005 PURPOSE:

To describe the requirements, facilities, equipment and operations of associations.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

ARCI-007-010 General Duty

- (1) An association, its officers, directors, officials and employees shall abide by and enforce the Act and the rules and orders of the Commission and stewards.
- (2) An association may request an exemption from a requirement in this chapter to utilize new technology or innovative construction or design of the racetrack facilities. The Commission may grant an exemption if the Commission determines that:
 - (a) the association's proposal substantially satisfies the purpose of the requirement; and
 - (b) the exemption is in the best interests of the race horses, the racing industry and the citizens of this jurisdiction.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

ARCI-007-015 Financial Requirements

A. Insurer of the Race Meeting

- (1) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.
- (2) An association shall agree to indemnify, save and hold harmless the Commission from any liability, if any, arising from unsafe conditions of association grounds and default in payment of purses.
- (3) An association shall provide the Commission with a certificate of liability insurance as required by the Commission.
- (4) An association shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and Commission rules.
- (5) An association and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and Commission rules and not otherwise.
- (6) An association and its managing officers shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with the Act, Commission rules, association rules and race conditions.

B. Bond Requirements

- (1) An association shall file with the Commission a bond payable to (jurisdiction) in an amount determined by the Commission for pari-mutuel racing and in either case not more than the financial liability of the association permit throughout the race meeting for which the association permit is requested.

- (2) The bond shall be executed by the applicant and a surety company or companies authorized to do business in this jurisdiction, and conditioned upon the payment by the association licensee of all taxes and other monies due and payable pursuant to statutory provisions and all monies due from horsemen's accounts and payable, presentation of winning tickets, the licensee will distribute all sums due to the patrons of pari-mutuel pools.
- (3) The financial liabilities incurred by the association licensee in the form of real estate mortgages shall not be included in the determination of the bond amount.

C. Financial Reports

- (1) The Commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, Commission rules, the conditions and nomination race program of the race meeting and the obligations incurred in the daily operation of the race meeting.
- (2) An association shall file a copy of all tax returns, a balance sheet and a profit and loss statement.
- (3) An association shall file with the Commission an unaudited balance sheet and profit and loss statement as required by the Commission. Those submissions must be in a format which conforms with the requirements set out in the association license application.
- (4) An association shall file an annual audit with the Commission within ___ days after the association's fiscal year-end. The Commission, upon good cause shown, may extend the time for filing.

D. Stakes Escrow Requirements

- (1) The association shall provide the Commission with a copy of written race conditions for stakes races prior to distribution.
- (2) The original race conditions nomination blank for stakes races shall be considered a binding contract between the association or sponsor and the nominator. The nomination blank must contain all conditions under which:
 - (a) fees are due and payable;
 - (b) the race will be conducted, providing for trials or divisions, if any;
 - (c) supplemental purses are added;
 - (d) monies will be retained by the association for advertisement, administration and commissions;
 - (e) terms or conditions under which refunds, if any, will be made; and
 - (f) all other conditions pertaining thereto.
- (3) Unless otherwise approved by the Commission, prior to the closing of nominations, the association shall file with the Commission a copy of escrow provisions made by the association or sponsor with the horsemen's bookkeeper or other person(s) authorized to receive payments on behalf of the nominators utilizing a federally insured financial institution to maintain the escrow account for all payments made to the stakes race. Any added or supplemental purse monies advertised or otherwise stated in the written race conditions shall be deposited in the escrow account no later than the deadline date for the first eligibility payment for that stakes race, unless otherwise approved by the Commission.

- (4) For all nomination races the association shall furnish the Commission and the owners of horses previously made eligible by compliance with the conditions of such race, with a list of all horses nominated, distinguishing those horses which remain eligible. The list shall be distributed within 30 days after the due date of each nomination and sustaining payment and shall include the name of the race; the name of each horse; name(s) of the owner(s) of each horse; and itemization of payments and gross purse to date, including any added monies, applicable interest, supplementary payments, and advertised deductions for advertising, administration and commissions retained by the association.
- (5) Within 15 days after each eligibility or payment date, and the date horses pass the entry box, the association shall provide a copy of the escrow report to the Commission. The escrow report shall include the financial institution representative; the names and addresses of nominators; the total number of entries; the names of horses remaining eligible; the names of horses dropped; an itemization of the amount of payments and added money received including totals; the amount of interest accrued to date; the name(s) of the person(s) currently authorized to make withdrawals; the amount and date of each withdrawal, if any; each deduction from monies received (e.g. uncollected checks, advertising, administrative and commissions costs); and the stated reason for each withdrawal or deduction. Notice of not less than two persons, whose signatures are required for a withdrawal, shall be filed with the Commission.
- (6) In all cases the association shall be responsible for the payment of all purse monies for any stakes race conducted at its licensed facility.

E. Charity Race Days

- (1) Unless otherwise prescribed by statute, an association must receive the approval of the Commission to conduct charity race days.
- (2) For approval of a charity race day, an association shall file a request not later than 30 days before the proposed charity race day is to be conducted. The request must be in writing and contain:
 - (a) the name of the charity;
 - (b) the name and address of each individual who serves as an officer or director of the charity or who owns an interest in the charity of five percent or more;
 - (c) a brief description of the activities or purposes of the charity; and
 - (d) a copy of an Internal Revenue Service letter of determination that qualifies the charity as an exempt organization for the purposes of federal income tax.
- (3) An association shall pay to the charity, out of its share of the pari-mutuel handle, at least two percent of the pari-mutuel handle generated on the charity race day.
- (4) At least one of the charity days must be conducted for a charity that directly benefits persons who work on the backside of the association racetrack. At least one of the charity days must be conducted for a charity that primarily benefits research into the health or safety of race horses.

ARCI-007-020 Facilities And Equipment

A. Facilities for Patrons and Licensees

- (1) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.
- (2) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.
- (3) An association shall provide an adequate supply of free drinking water.
- (4) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.
- (5) During a race performance, the association shall provide:
 - (a) a first aid room equipped with at least two beds and other appropriate equipment; and
 - (b) the services of at least one physician, a nurse practitioner or paramedic.
- (6) An association shall provide a properly equipped to transport ambulance, staffed with at least one certified paramedic during training and two certified paramedics during racing hours. If the ambulance is being used to transport an individual, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance is replaced.
- (7) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds
- (8) Unless otherwise approved by the Commission or the stewards, an ambulance shall follow the field at a safe distance during the running of races.
- (9) The ambulance must be parked at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.
- (10) An association shall provide adequate office space for the use of the stewards and other Commission personnel as required by the Commission. The location and size of the office space, furnishings and equipment required under this section must be approved by the Commission.
- (11) An association shall promptly post Commission notices in places that can be easily viewed by patrons and licensees.

B. Officials' Stands

An association shall provide adequate stands for officials to have a clear view of the racetrack. The location and design of the stands must be approved by the Commission.

C. Audio and Visual Equipment

- (1) An association shall provide and maintain in good working order a communication system between the:
 - (a) stewards' stand;
 - (b) racing office;
 - (c) tote room;
 - (d) jockeys' room;

- (e) paddock;
 - (f) test barn;
 - (g) starting gate;
 - (h) weigh in scale;
 - (i) video camera locations;
 - (j) clocker's stand;
 - (k) racing veterinarian;
 - (l) track announcer;
 - (m) location of the ambulances (equine and human); and
 - (n) other locations and persons designated by the Commission.
- (2) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.
 - (3) An association shall provide two electronic photofinish devices with mirror image to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photofinish devices must be approved by the Commission before its first use in a race. The association shall promptly post a photograph of each photofinish for win, place or show in an area accessible to the public. The association shall ensure that the photofinish devices are calibrated before the first day of each race meeting and at other times as required by the Commission. On request by the Commission, the association shall provide, without cost, a print of a photofinish to the Commission. Photofinish records of each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.
 - (4) An association shall provide a videotaping system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the stewards' stand. The location and construction of video towers must be approved by the Commission.
 - (5) One camera, designated by the Commission, shall videotape the pre-race loading of all horses into the starting gate and shall continue to videotape them until the field is dispatched by the starter.
 - (6) One camera, designated by the Commission, shall videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted and the equipment has been removed from the horse.
 - (7) The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.
 - (8) Races run on an oval track must be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.
 - (9) An association shall, upon request, provide to the Commission, without cost, a copy of a videotape of a race.

- (10) Videotapes recorded prior to, during and following each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.
- (11) An association shall provide a viewing room in which, on approval by the stewards, an owner, trainer, jockey or other interested individual may view a videotape recording of a race.
- (12) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision.

D. Racetrack

- (1) The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the jockeys and horses.
- (2) Prior to the first race meeting at an association racetrack, a licensed surveyor shall provide to the Commission a certified report of the grade and measurement of the distances to be run.
- (3) Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail.
- (4) The surveyor's report must be approved by the Commission prior to the first race day of the meeting.
- (5) An association shall provide an adequate drainage system for the racetrack.
- (6) An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide back-up equipment for maintaining the track surface. An association that conducts races on a turf track shall:
 - (a) maintain an adequate stockpile of growing medium; and
 - (b) provide a system capable of adequately watering the entire turf course evenly.

E. Rails

- (1) Racetracks, including turf tracks, shall have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the Commission prior to the first race meeting at the track.
- (2) The top of the rail must be at least 38 inches but not more than 42 inches above the top of the cushion. The inside rail shall have no less than a 24-inch overhang with a continuous smooth cover.
- (3) All rails, except movable turf rails, must be constructed of materials designed to withstand the impact of a horse running at a gallop.

F. Starting Gates

- (1) During racing hours, an association shall provide at least two operable padded starting gates, which have been approved by the Commission.
- (2) An association shall make at least one starting gate and qualified starting gate personnel available for schooling during designated training hours.

- (3) An association shall ensure that an assistant starter is available for each horse in an official race.
- (4) If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

G. Distance Markers

- (1) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand.
- (2) The starting point markers and distance poles must be marked as follows:
 - (a) 1/4 poles - Red and white horizontal stripes
 - (b) 1/8 poles - Green and white horizontal stripes
 - (c) 1/16 poles - Black and white horizontal stripes
 - (d) 220 yards - Green and white
 - (e) 250 yards - Blue
 - (f) 300 yards - Yellow
 - (g) 330 yards - Black and white
 - (h) 350 yards - Red
 - (i) 400 yards - Black
 - (j) 440 yards - Red and white
 - (k) 550 yards - Black and white horizontal stripes
 - (l) 660 yards - Green and white horizontal stripes
 - (m) 770 yards - Black and white horizontal stripes
 - (n) 870 yards - Blue and white horizontal stripes

H. Lighting

- (1) An association shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees and horses. Lighting to ensure the proper operation of the videotape and photofinish equipment must be approved by the Commission.
- (2) An association shall provide adequate additional lighting in the stable area as required by the Commission.
- (3) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

I. Equine Ambulance

- (1) An association shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the racetrack is open for racing or training.
- (2) The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.
- (3) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be able to:

- (a) navigate on the racetrack during all weather conditions; and
 - (b) transport a horse off the association grounds.
- (4) The ambulance must be equipped with:
- (a) large, portable screens to shield a horse from public view;
 - (b) ramps to facilitate loading a horse;
 - (c) adequate means of loading a horse that is down;
 - (d) a rear door and a door on each side;
 - (e) a padded interior;
 - (f) a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;
 - (g) a shielded area for the person who is attending to the horse; and
 - (h) an adequate area for the storage of water and veterinary drugs and equipment.
- (5) An association may not conduct a race unless an equine ambulance or an official veterinarian-approved substitute is readily available.
- (6) The equine ambulance, its supplies and attendants and the operating procedures for the equine ambulance must be approved by the official veterinarian.

J. Barns

- (1) An association shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The association's stable area configuration and facilities must be approved by the Commission.
- (2) An association shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must have a hot and cold water supply available, be well-ventilated, have proper drainage and be constructed to be comfortable in all seasons.
- (3) An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of 10 by 10 feet.
- (4) An association shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area daily. The association shall ensure that refuse from the stalls and other refuse are kept separate.

K. Test Barn

- (1) An association shall provide a test barn for taking specimens of urine, blood or other bodily substances or tissues for testing.
- (2) The test barn must be equipped with:
 - (a) a walk ring that is large enough to accommodate ___ horses;
 - (b) at least ___ enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;
 - (c) facilities and equipment for the collection, identification and storage of samples
 - (d) a washrack that is large enough to accommodate ___ horses at the same time;
 - (e) hot and cold running water; and
 - (f) clean water buckets for each horse.

- (3) An association shall limit access to the test barn to persons authorized by the official veterinarian. All entrances shall be locked or guarded at all times.

L. Isolation Area

- (1) An association shall provide an isolation area for the care and treatment of a horse that is ordered isolated by the racing veterinarian or the official veterinarian.
- (2) The isolation area must be approved by the official veterinarian.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 3.2 to 3.3 ARCI 12/7/05: Added new rule language

Version 4.0 to 4.1 ARCI 4/26/07: Added new rule language

Version 4.3 to 4.4 ARCI Board 12/10/08: Added emergency response procedure language

ARCI-007-025 Operations

A. Security

- (1) An association conducting a race meeting shall maintain security controls over its grounds. Security controls are subject to the approval of the Commission.
- (2) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.
- (3) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.
- (4) Unless otherwise authorized by the Commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the Commission or a visitor's pass issued by the association (See Chap. 8, Rule ARCI-008-010 Section X). An association shall provide security fencing around the stable area in a manner that is approved by the Commission.
- (5) On request by the Commission, an association shall provide a list of the security personnel, including the name, qualifications, training, duties duty station and area supervised by each employee.
- (6) Each day, the chief of security for an association shall deliver a written report to the stewards regarding occurrences on association grounds on the previous day. Not later than 24 hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the stewards a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved.

B. Fire Prevention

- (1) An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.
- (2) Not later than ___ days before the first day of a race meeting, an association shall deliver to the Commission a copy of the state or local fire marshal's certification regarding the association's compliance with fire safety regulations or the fire marshal's plan of corrections. The certification or plan must be based on an inspection of the association

grounds conducted by the fire marshal not more than 30 days before the first day of a race meeting.

- (3) No person shall:
 - (a) smoke in stalls, feed rooms or under shed rows;
 - (b) burn open fires or oil and gas lamps in the stable area;
 - (c) leave unattended any electrical appliance that is plugged-in to an electrical outlet.
 - (d) permit horses to come within reach of electrical outlets or cords;
 - (e) store flammable materials such as cleaning fluids or solvents in the stable area; or
 - (f) lock a stall which is occupied by a horse.
- (4) An association shall post a notice in the stable area which lists the prohibitions outlined in 3a-f above.

C. Insect and Rodent Control

An association and the licensees occupying the association's barn area shall cooperate in procedures to control insects, rodents or other hazards to horses or licensees.

D. Performances

- (1) The hours of racing, the number of races per race day and the post time for the first race of each race day are subject to the approval of the Commission.
- (2) An association shall deliver to the Commission for approval a copy of the first condition book for a race meeting at least ___ days before the first day of the race meeting. The association shall deliver to the Commission, upon publication, a copy of each subsequent condition book.

E. Complaints

- (1) An association shall designate a location and provide personnel who shall be readily available to the public to provide or receive information.
- (2) An association shall promptly notify the Commission of a complaint regarding:
 - (a) an alleged violation of the Act or a rule of the Commission;
 - (b) an alleged violation of ordinances or statutes;
 - (c) accidents or injuries; or
 - (d) unsafe or unsanitary conditions for patrons, licensees or horses.

F. Ejection and Exclusion

- (1) An association shall immediately eject from the association grounds a person who is subject to such an exclusion order of the Commission or stewards and notify the Commission of the ejection.
- (2) An association may eject or exclude a person for any lawful reason. An association shall immediately notify the stewards and the Commission in writing of any person ejected or excluded by the association and the reasons for the ejection or exclusion.

G. Responsible Gambling

As a condition of licensure an association shall implement a problem gambling program appropriate to the circumstances of the licensee, incorporating concepts and methods outlined in the Responsible Wagering Resources Guide for Race Track Managers (available from the

Winners Federation, Inc.; P.O. Box 46098; Chicago, Illinois 60646-0098; tel. 847 477-3551), or an appropriate and comparable resource.

H. Posting of Jockey Insurance Coverage

- (1) An association shall have on file with the commission a copy of the actual policy and post in the jockeys' quarters a summary of the association's insurance coverage for jockeys who are injured while on the grounds of the association and shall, upon the request of any licensed jockey who is participating in the race meeting, provide a copy of the policy of such insurance. Such request shall be made in writing to a racing official designated by the association in the notice to respond to such requests.
- (2) In the event that the insurance policy is changed during the race meeting the association shall promptly notify the commission and post a notice of any such changes.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 3.1 to 3.2 ARCI 12/9/04 NAPRA 12/9/04: Amended new rule and language added

Version 4.9 to 5.0 ARCI Board 12/9/12: Added Posting of Jockey Insurance Coverage