

Rules of
Department of Revenue
Division 50—Missouri Horse Racing
Commission
Chapter 70—Conduct of Races

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Title 12—DEPARTMENT OF REVENUE

Division 50—Missouri Horse Racing Commission Chapter 70—Conduct of Races

12 CSR 50-70.010 Rules of Racing—Harness

PURPOSE: This rule adopts rules of racing for harness racing.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost not more than the actual cost of reproduction.

(1) Eligibility and Classification.

(A) A horse is ineligible when—

1. The horse's United States Trotting Association (U.S.T.A) or Canadian Trotting Association (C.T.A.) eligibility certificate has been determined not to be proper or in order;
2. The horse has not been registered as standard or nonstandard with the United States Trotting Association;
3. The horse is not fully identified by an official tattoo on the inside of the upper lip;
4. With respect to a horse who is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age and the names of his/her sire and dam as registered;
5. The horse is brought to the paddock not in the care of its trainer or his/her licensed designee;
6. The horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo;
7. The horse is wholly or partially owned by a disqualified person or is under the management of a disqualified person;
8. The horse has no current negative Coggins test certificate attached to the registration certificate;
9. The stakes or entrance money for the horse has not been paid;
10. The horse appears on the starter's list, judges' list or veterinarian's list;
11. The horse is owned in whole or in part by an undisclosed person or interest;
12. The horse is subject to a lease not filed with the judges;
13. The horse is not in sound racing condition;

14. The horse has been nerved by surgical neurectomy, except in the case of heel nerves upon commission veterinarian approval;

15. The horse has been trachea-tubed to artificially assist his/her breathing;

16. The horse has been blocked with alcohol or otherwise drugged to desensitize the nerves above the ankle; and

17. The horse has impaired eyesight in both eyes.

(B) All matters relating to registration of standardbred horses shall be governed by Rule 26 of the United States Trotting Association.

(C) The association may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Telegraphic or telephone declarations may be accepted without penalty, provided the declarer furnished adequate program information, but the eligibility certificate must be presented when the horse arrives at the track before s/he races. The racing secretary shall check each certificate and certify to the judges as to the eligibility of all horses. Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycles. Where the word preferred is used in a condition it shall not supersede date preference.

(D) Date When Eligibility is Determined.

1. Horses must be eligible when entries close but winnings on the closing date of eligibility shall not be considered.

2. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

(E) In the event there are conflicting published conditions and neither is withdrawn by the association, the more favorable to the nominator shall govern.

(F) Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary a Canadian eligibility certificate completely filled out for the current year, with a U.S.T.A. Validation Certificate attached.

(G) Horses coming from a country other than Canada shall provide the following information certified by the trotting association or governing body of that country from which the horse comes: The number of starts during the preceding and current years together with the number of firsts, seconds and thirds and the total amount of money won during this period.

(H) For purposes of eligibility, a racing season or racing year shall be the calendar year. In recording winnings, gross winnings will be used and odd cents will be dropped and disregarded.

(I) No time records or bars shall be used as an element of eligibility.

(J) Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed and will appear on the eligibility certificate issued for the subsequent year. The distribution shall not affect the current eligibility until placed on the next eligibility certificate.

(K) The racing secretary may reject the declaration on any horse whose—

1. Eligibility certificate was not in his/her possession on the date the condition book is published; or

2. Past performance indicates that s/he would be below the competitive level of other horses declared.

(2) Substitute races may be provided for each day's program and shall be so designated.

(3) A horse qualifying in a qualifying race for which no purse is offered shall not be deprived, by reason of this performance, of his/her right to start in any conditioned race.

(4) The definition of the word start in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

(5) All entries must—

(A) Be made in writing;

(B) Be signed by the owner or his/her authorized agent, except as provided in this rule;

(C) Have listed the name and address of both the bona fide owner and agent or registered stable name or lessee;

(D) Be given the name, color, sex, sire and dam of horse; and

(E) Have named the event(s) in which the horse is to be entered.

(6) Starting fees shall be due at time of declaration and payable not later than one (1) hour prior to post time of the race to be contested. The starting fee will not be refunded if the horse fails to start unless the horse dies between time of declaration to start and start of race.

(7) Receipt of Entries.

(A) All entries not actually received at the hour of closing shall be ineligible, except entries by letter bearing postmark not later than the following day (omitting Sunday) or entries notified by telegraph, the telegram to be actually received at the office of sending at or before the hour of closing, stating such information as required in this rule. Whenever an entry or payment in a stake, futurity or early closing race becomes payable on a



Sunday or a legal holiday that falls on Saturday, the payment is due on the following Monday and if made by mail shall be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, the payment is due on Tuesday and if made by mail must be postmarked on or before the following Wednesday.

(B) When an entry is received bearing the postage meter date without any postmark, the postage meter date shall be considered to be a postmark for the purpose of this rule if the letter is actually received within seven (7) days following the closing date of the event. Receipt subsequent to this time of an entry by letter bearing the metered postmark date shall not be a valid entry. The metered date must conform to the postmark date as previously set forth in order to be valid.

(C) A complete list of nominations to any late closing race or early closing event shall be published within twenty (20) days after the date of closing and mailed to each nominator. If subsequent payments are required, a complete list of those withdrawn or declared out shall be made within fifteen (15) days after the payment was due. If the event does not fill, each nominator shall be notified within ten (10) days and refund of nomination fees shall accompany the notice.

(8) Transfer Provisions for Change of Gait.

(A) If conditions published for early closing events allow transfer for change of gait, the transfer shall be to the slowest class for which the horse is eligible at the adopted gait; eligibility to be determined at time of closing of entries. The race to which transfer may be made must be the one nearest the date of the event originally entered.

(B) Two (2)-year olds, three (3)-year olds or four (4)-year olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event originally entered; entry fees to be adjusted.

(9) Declarations.

(A) Unless otherwise specified in the conditions, the declaration time shall be 9:00 a.m.

(B) No horse shall be declared to start in more than one (1) race on any one (1) racing day.

(C) The association shall provide a locked box with an aperture through which declarations shall be deposited.

(D) No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when declarations are drawn. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, the preference ascertained, starters selected and post positions drawn. If

it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(E) Declarations by mail, telegraph or telephone, actually received and evidence of which is deposited in the box before the time specified to declare, shall be drawn in the same manner as the others.

(F) Drawings shall be final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of an association or its agent or employee in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to scratch time or the printing of the program, whichever is sooner. However, in the case of early closers of more than ten thousand dollars (\$10,000) and stake and futurity races, the race shall be redrawn.

(10) Qualifying Races.

(A) The judges may require any horse that has been on the judge's list to go through a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, s/he may be required to go through a qualifying race.

(B) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which s/he will compete, in the event adequate competition is not available for a qualifying race. A horse that is on the judge's list for breaks or refusing to come to the gate must qualify in a qualifying race.

(C) Where a race is conducted for the purpose of qualifying drivers only, the race need not be charted, timed or recorded.

(D) If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears.

(E) Any horse that fails to race at a charted meeting within thirty (30) days after having started in a current year shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start.

(11) Coupled Entries.

(A) When the starters in a race include two (2) or more horses owned or trained by the same person or trained in the same stable or by the same management, they shall be coupled as an entry and a wager on one (1) horse in the entry shall be a wager on all horses in the entry.

(B) If the race is split into two (2) or more divisions, horses in an entry shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions

shall be drawn by lot. The previous provision shall also apply to elimination heats.

(C) The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to protect the public interest.

(12) Preference.

(A) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which s/he was scratched.

(B) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.

(C) If an error has been made in determining or posting a preference date and this error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw. If in fact a preference date error has occurred, the race shall be redrawn.

(13) A horse that is unfit to race because s/he is dangerous, unmanageable, sick, lame or unable to show a performance to qualify for races at the meeting or otherwise unfit to race at the meeting may be placed on a judge's list by the presiding judge and declarations on the horse shall be refused. When any horse is placed on the judge's list, the clerk of the course shall make a note on the eligibility certificate of the horse showing the date the horse was put on the judge's list, the reason and the date of removal if the horse has been removed.

(14) Starting.

(A) The starter shall have control of the horses from the formation of the parade until s/he gives the word go.

(B) After one (1) or two (2) preliminary warming up scores, the starter shall notify the drivers to proceed to the starting gate. During or before the parade, the drivers shall be informed as to the number of scores permitted.

(C) The horses shall be brought to the starting gate as near one-quarter (1/4) of a mile before the start as the track will permit.

(D) In case of a recall, a light plainly visible to the driver shall be flashed and a recall sounded and wherever possible the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his/her discretion to close the wings of the gate.

(E) There shall be no recall after the word go has been given and any horse, regardless of his/her position or an accident, shall be deemed a starter from the word go.

(F) The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate;
2. There is interference;
3. A horse has broken equipment; and
4. A horse falls before the word go is given.

(G) No persons shall be allowed to ride in the starting gate except the starter and his/her driver or operator and a patrol judge, unless permission has been granted by the commission.

(H) Horses may be held on the backstretch not to exceed three (3) minutes awaiting post time, except when delayed by an emergency.

(I) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

(J) If, in the opinion of the judges or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public. A horse shall be considered unmanageable if the horse causes more than one (1) recall in the same dash or heat and the horse may be excused by the starter.

(K) The starter may place a bad acting horse on the outside at his/her discretion. This action may be taken only where there is time for the starter to notify the judges who will in turn notify the public prior to the sale of tickets on the race. If tickets have been sold, the bad acting horse shall be scratched under the previously mentioned provisions.

(L) The horse winning a heat shall take the pole (or inside position) for the succeeding heat, unless otherwise specified in the published conditions and all others shall take their positions in the order they were placed in the last heat. When two (2) or more horses shall have made a dead heat, their positions shall be settled by lot.

(15) Racing and Track Rules.

(A) Although a leading horse is entitled to any part of the track, except after selecting his/her position in the home stretch, no driver shall—

1. Change either to the right or left during any part of the race when another horse is so near him/her that in altering his/her position s/he compels the horse behind him/her to shorten his/her stride or causes the driver of

the other horse to pull him/her out of his/her stride;

2. Jostle, strike, hook wheels or interfere with another horse or driver;

3. Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;

4. Swerve in and out or pull up quickly;

5. Crowd a horse or driver by putting a wheel under him;

6. Carry a horse out or sit down in front of him, take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses or do any other act which constitutes what is popularly known as helping;

7. Let a horse pass inside needlessly;

8. Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed;

9. Commit any act which shall impede the progress of another horse or cause him/her to break;

10. Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause him/her to change course or take back;

11. Drive in a careless or reckless manner;

12. Whip under the arch of the sulky;

13. Kick the horse; and

14. Drivers must set or maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing or general outcome of the race will be considered a violation of this section.

(16) Complaints and Reports of Interference.

(A) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules, before dismounting must indicate to the judges his/her desire to enter the claim or complaint and immediately upon dismounting shall proceed to the telephone or judges' stand where and when the claim, objection or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until the claim, objection or complaint shall have been entered and considered.

(B) It is the duty of every driver to report, to the official designated for such purpose as promptly as possible after the conclusion of a race in which s/he has participated, any material interference to him/herself or his/her horse by another horse or driver during a race.

(C) In the case of interference, collision or violation of any of the previously mentioned restrictions, the offending horse may be placed back one (1) or more positions in that heat or dash and in the event the collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings. In the event a horse is set back, under these provisions, s/he shall be placed behind the horse with whom s/he interfered;

(D) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven or has been driven with design to prevent his/her winning a heat or dash which s/he was evidently able to win or is being raced in an inconsistent manner or to perpetrate or to aid a fraud, they shall consider it a violation.

(E) If, in the opinion of the judges, a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges or is reckless in his/her conduct and endangers the safety of horses or other drivers in the race, s/he may be removed and another driver substituted at any time after the positions have been assigned in a race. The substitute driver shall be properly compensated.

(F) If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

(G) Loud shouting or other improper conduct is forbidden in a race. After the word go is given, both feet must be kept in the stirrups until after the finish of a race.

(H) Drivers shall be allowed whips not to exceed four feet eight inches (4'8"), plus a snapper not longer than eight inches (8").

(I) The brutal use of a whip or crop or excessive or indiscriminate use of the whip or crop shall be considered a violation. Welts, cuts or whip marks on a horse resulting from whipping shall constitute a prima facie violation of this section. Drivers are prohibited from whipping under the arch of the sulky, kicking, punching or jabbing a horse or using the whip so as to interfere with or cause disturbance to any other horse or driver in a race.

(J) No horse shall wear hobbles in a race unless s/he starts in the same in the first heat and having so started, s/he shall continue to wear them to the finish of the race. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by permission of the judges. Any horse habitually racing free legged shall not be permitted to wear hobbles in a race except with the permission of the judges. No horse shall



be permitted to wear a head pole protruding more than ten inches (10") beyond its nose.

(K) When any horse breaks from its gait in trotting or pacing, its driver, at once where clearance exists, shall take the horse to the outside and pull it to its gait.

1. The following shall be considered violations:

A. Failure to properly attempt to pull the horse to its gait;

B. Failure to take to the outside where clearance exists; and

C. Failure to lose ground by the break.

2. Any breaking horse shall be set back when a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

3. Any horse making a break which causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of the breaking horse, no fine or suspension shall be imposed on the driver as a consequence of the interference.

4. If, in the opinion of the judges, a driver allows his/her horse to break for the purpose of fraudulently losing a heat, then s/he shall be liable to the penalties elsewhere provided for fraud and fouls.

(17) Horses called for a race shall have the exclusive right of the course and all other horses shall vacate the track at once, unless permitted to remain by the judges.

(18) A driver must be mounted in his/her sulky at the finish of the race or the horse must be placed as not finishing.

(19) It shall be the responsibility of the owner and trainer to provide every sulky used in a race with colored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. The presiding judge may order the use of mud guards.

(20) Only sulkies of the conventional dual-shaft and dual-hitch type shall be permitted in any races. A conventional type sulky is one having two (2) shafts which must be parallel to and securely hitched on each side of the horse. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse's back.

(21) Timing and records.

(A) In every race, the time of each heat shall be accurately taken by an approved electric timing device and placed in the record in minutes, seconds and fifths of seconds and upon the decision of each heat, the time shall be publicly announced or posted. No unofficial timing shall be admitted to the record and

when the timers fail to act no time shall be announced or recorded for that heat.

(B) In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor a horse or owner, except upon the sworn statement of the judges and timers who officiated in the race.

(C) The leading horse shall be timed and his/her time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse is lapped on the hind quarter of the winner.

(D) In case of a dead heat, the time shall constitute a record for the horses making a dead heat and both shall be considered winners.

(E) The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

(22) Each competing horse shall be equipped with numbers of style, type and design approved by the judge. Numbers shall be so arranged that coupled entries may be distinguished as such and also horses coupled in the field as such. Head numbers and saddle pads shall be used.

(23) Paddock Rules.

(A) The association shall provide a paddock which shall be completely enclosed with a man-tight fence and each opening through the fence shall be policed by a person(s) licensed by this commission to exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one (1) hour prior to post time until all races of that program have been completed shall be maintained on forms approved by the commission.

(B) Horses must be in the paddock at the time prescribed by the presiding judge, but in any event at least one (1) hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(C) Only owners, trainers, drivers and grooms of horses competing on the date of the race and officials shall have access to the paddock during the time period prescribed in subsection (23)(B).

(D) No driver, trainer, groom or caretaker, once admitted to the paddock or receiving barn, shall leave the area other than to warm-up the horse until such race(s) for which s/he was admitted is contested.

(E) No person except an owner, who has another horse racing in a later race or an official, shall return to the paddock until all races of the program have been completed.

*Auth: section 313.540, RSMo (1986).
Emergency rule filed June 20, 1986,
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effective Feb. 12, 1987.*

**12 CSR 50-70.011 Rules of Racing—
Thoroughbred and Quarter Horse**

*PURPOSE: This rule adopts rules for the
conduct of thoroughbred and quarter
horse racing and related subjects.*

(1) A horse is ineligible to start a race when—

(A) The horse is not stabled on the grounds of the licensed association or facilities approved by the association at least seventy-two (72) hours prior to the race;

(B) The horse is not registered by The Jockey Club if a thoroughbred, the American Quarter Horse Association if a quarter horse, the Apaloosa Horse Club if an apaloosa, the Arabian Horse Club Registry of America if an arabian, the American Paint Horse Association if a paint, the Pinto Horse Association of America, Inc. if a pinto and if the registration certificate is not on file with the racing secretary or horse identifier;

(C) The horse is not fully identified by an official tattoo on the inside of the upper lip;

(D) With respect to a horse who is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age and the names of his/her sire and dam as registered;

(E) A horse is brought to the paddock and is not in the care of and saddled by a trainer or assistant trainer;

(F) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any association or regulatory agency;

(G) A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry of racing of some other horse under the name of the horse in question;

(H) A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person;

(I) A horse has no current negative Coggins test certificate attached to the registration certificate;

(J) The stakes or entrance money for the horse has not been paid;

(K) A horse appears on the starter's list, stewards' list or veterinarian's list;