

VIRGINIA RACING COMMISSION

Statement of Final Agency Action:

On May 15, 2002, the Virginia Racing Commission adopted a final and exempt regulation entitled "Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Claiming Races" (11 VAC 10-120-10 et seq.).

Explanation of Substantive Changes:

The Rules Committee recommended and the Commission adopted the following technical amendments to Chapter 120:

Section 20:

The section has been amended to clarify the persons who are required to have a claiming certificate by adding the modifying phrases of "currently valid" and "in Virginia or any other jurisdiction." In Subsection 4, the validity of the claiming certificate is reduced to the end of the race meeting instead of the end of the calendar year.

Section 40:

In Subsection 4, an owner or trainer is prohibited from filing a claim on a horse in which he has an interest.

Section 50:

The section has been amended to further clarify a properly completed claim slip by adding the phrase "including but not limited to the correct spelling of the horse's name, the date and race number."

In Subsection 10, the stewards may designate a person to represent them during a draw on multiple claims.

In Subsection 15, the phrase "with its halter" has been deleted because the successful claimant must supply the halter.

In Subsection 25, racing officials and employees of the licensee are prohibited from providing information prior to the running of the race.

Subsections 6 and 15 have been deleted.

Section 80:

An exception has been included for horses claimed in steeplechase races.

In Section 1, in harness racing, a claimed horse may start for "any price" after being claimed.

In Section 5, all horses claimed in other jurisdictions and racing in Virginia will be subject to the restrictions in the jurisdiction in which they were claimed.

Section 90:

The section has been repealed.

Section 100:

The amendment clarifies that the claimed horse is to be turned over to the successful claimant."

Summary of Public Comments and Agency's Response:

The Rules Committee of the Virginia Racing Commission is composed of representatives of the breed and horsemen's associations in the Commonwealth as well as representatives of the two licensees.

The Rules Committee reviewed the regulations in light of its experience with live thoroughbred and harness racing meets at Colonial Downs and Oak Ridge. The committee reviewed the regulations at a public meeting and made recommendations for technical amendments to the regulations.

The proposed amendments to Chapter 120 were reviewed on a section-by-section basis during the May 15, 2002 meeting of the commission and no comments were heard from the public attending the meeting.

Summary of Regulation:

Adopting the recommendations of its Rules Committee, the Virginia Racing Commission made a number of technical amendments to the chapter. The principal amendment reduces the period of validity for a claiming certificate from the end of the calendar year to the ending of the race meeting at which it was issued.

Statement of Basis, Purpose, Substance, Issues and Impact:

Basis: The Virginia Racing Commission derives its statutory authority to promulgate regulations from the provisions of §59.1-369 of the Code of Virginia. The Code states, in part in subdivision 3, "The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter." Further, the commission's regulatory action is exempted under the provisions of §2.2-4002 (A)(20) (ii) which states, "in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission."

Purpose: The commission relies heavily upon its special advisory panel—the Rules Committee—to advise it on matters pertaining to aspects of horse racing and pari-mutuel wagering. The committee represents the widest possible spectrum of interests within the horse racing and breeding community within the Commonwealth. The committee is charged with the responsibility of keeping the commission and its staff abreast of the latest developments in the sport and in the Mid-Atlantic Region. The recommendations of the committee, which have been adopted by the commission, will enhance the public's health, safety and especially the welfare of horse racing in Virginia.

Substance: The commission in adopting the recommendations of the committee made a number of technical amendments to Chapter 120. The principal technical amendment is the reduction in validity of a claiming certificate from the end of the year to the end of the race meeting.

Issues: The amendments to Chapter 120 represent reasonable refinements in its regulations thereby ensuring that horse racing in Virginia will be free of any corrupt, incompetent, dishonest or unprincipled practices. Furthermore, the amendments bring the commission's regulatory practices into a greater degree of uniformity with those adhered to among the states comprising the Mid-Atlantic Region.

Impact Upon Families: The amendments will have no impact upon families in the Commonwealth.