

VIRGINIA RACING COMMISSION

CHAPTER 110.

ENTRIES.

11 VAC 10-110-10. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Added money" means money added by the licensee to the stakes fees paid by subscribers to form the total purse for a stakes race.

"Allowance" means a concession in the amount of weight that may be carried by a horse as specified in the conditions of the race.

"Closing" means the time specified by the racing secretary after which entries for a race will not be accepted.

"Condition book" means a book, published by the licensee, setting forth the conditions for each race for a specified period of time during a race meeting.

"Condition sheet" means a sheet, published by the licensee, setting forth the conditions for a specified period of time usually during a Standardbred race meeting.

"Conditions" means the terms of eligibility and entry, including the amount and deadlines for the payment of any fees.

"Declaration" means the withdrawal of a horse entered in a race before the time of closing of entries.

"Entry" means the act of naming a specific horse to run in a specific race.

"Free handicap" means a handicap for which no fee is required to be weighted, but an entrance or starting fee may be required for starting.

"Futurity" means a stakes race in which the horse is nominated either during the year of foaling or when the foal is in utero.

"Handicap" means a race in which the weights assigned to the horses are done so by the racing secretary with the intent of equalizing the chance for each horse to win.

"Overnight race" means any race for which ~~entries close 72 hours or less before the running of the race and for which~~ the owners of the horses running in the race are not required to pay any fee.

"Penalty" means the amount of weight a horse is obligated to carry in a race as specified in the conditions for the race.

"Race" means a contest among horses for a purse, prize or other reward and is contested at a race meeting licensed by the commission as well as in the presence of the stewards.

"Purse" means the total money for which a race is run.

"Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries.

"Scratch time" means the time specified by the racing secretary as a deadline to scratch a horse out of a race.

"Stakes" means all fees paid by subscribers to a stakes race for nominating, sustaining, entrance or starting fees as required by the conditions ~~and all fees shall be included in the purse.~~

"Stakes race" means a race that closes more than 72 hours before its running and for which the subscribers contribute fees toward the purse.

11 VAC 10-110-20. Horses ineligible to be entered.

A horse is ineligible to be entered in a race when:

1. The horse is not identified by name, color, sex and age and the names of its sire and dam;

2. The horse has been raced under an identity other than its own for fraudulent purposes;

3. The horse's name and identity have been utilized for fraudulent purposes;

4. The horse is wholly or partially owned by a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or by a similar regulatory body in another jurisdiction;

5. The horse is under the care and supervision of or being trained by, a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or a similar regulatory body in another jurisdiction;

6. The horse does not have a report of an official negative test for equine infectious anemia conducted within the past 12 months and the test must be valid to cover the time the horse is expected to be within the enclosure;

7. The horse appears on the ~~stewards' list or on a~~ stewards', veterinarian's, starter's or similar list in this or another jurisdiction;

8. The horse is a first-time starter that has not been approved for racing by the starter;

9. The horse has a tracheal tube inserted to assist artificially its breathing;

10. The horse has been "high nerved" or its nerves have been desensitized by any means at or above the fetlock, including volar, palmar or plantar nerves;

11. The horse has impaired vision in both eyes; or

12. The horse is not eligible under the conditions specified for the race as published in the condition book or on the condition sheet.

11 VAC 10-110-30. Horses ineligible to start.

A horse is ineligible to start in a race when:

1. The owner does not possess the required permit issued by the commission or has not applied for the appropriate permit;

2. The trainer, authorized agent or the person having care and supervision of the horse, does not possess the appropriate permit issued by the commission or has not applied for the required permit;

3. The horse's certificate of foal registration, eligibility certificate or other registration document issued by the appropriate breed registry is not on file with the racing secretary or permission to start the horse without these documents has not been obtained from the stewards;

4. The horse has not been lip-tattooed or Standardbred that has not had a freeze-brand number applied;

5. The ownership of the horse has been transferred without notifying the racing secretary and the appropriate breed registry;

6. The horse is subject to a lien or lease that has not been approved by the stewards and filed with the racing secretary and horsemen's bookkeeper; or

7. The horse for which nominating, sustaining, entry, starting or any other required fees have not been paid by the time specified in the published conditions of the race.

11 VAC 10-110-40. Filing.

The licensee shall provide forms on which entries may be filed with the racing secretary. All entries shall be in writing and any entries made by telephone or telegraph must be confirmed in writing upon the request of the racing secretary. The following provisions shall apply to the filing of entries:

1. No entry shall be considered filed until received by the racing secretary;

2. Every entry must be in the name of the horse's owner as completely disclosed and registered with the racing secretary and the appropriate breed registry;

3. Every entry must designate the horse's name as spelled on its certificate of registration, eligibility certificate or other registration document;

4. Every entry must designate the horse's owner, trainer, racing colors, jockey or driver, weight claimed where appropriate, color, sex, age, sire and dam, any penalties and allowances claimed, and where appropriate, claiming price;

5. Every entry must be signed and dated by the person making the entry;

6. No alteration may be made in any entry after the closing of entries. However, an error may be corrected with the permission of the stewards; and

~~7. A horse may be entered in two races for the same day, only if one of the races is a stakes race, futurity or other special event; and~~

& 7. The following additional provisions shall apply to Standardbred races:

a. The licensee shall provide a locked entry box in which entries shall be deposited;

b. The entry box shall be opened by a steward at the time designated; and

c. All entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn under the supervision of a steward.

11 VAC 10-110-50. Stakes races.

Entry of a horse in a stakes race, futurity or other special event shall be made in accordance with the conditions specified for the race. In the event of a dispute between the person filing an entry and the sponsor of the race, the stewards shall make the final determination on the eligibility of the horse.

11 VAC 10-110-60. Closing of entries.

Entries for overnight races shall close at a time prescribed by the licensee and approved by the stewards. Entries for stakes races, futurities and other special events shall close at the time specified in the conditions. The following provisions shall apply to the closing of entries:

1. The racing secretary shall be responsible for the securing and safekeeping of all entries once they are filed ~~with him~~ and ~~he~~ shall be responsible for denying access to the entries by other permit holders;

2. No entry shall be accepted after the prescribed time for the closing of entries; and

3. In the event of an emergency or if an overnight race fails to fill, then the racing secretary, with the approval of the stewards, may extend the prescribed time for the closing of entries.

11 VAC 10-110-70. Posting.

The racing secretary, upon the closing of entries, shall compile a list of the horses entered for each race for each day's racing program, and the racing secretary shall post the list in a prominent place in the racing office.

11 VAC 10-110-80. Number of starters.

Except for steeplechase races, the maximum number of starters in any race shall be limited to the number of starting positions afforded by the licensee's starting gate and any extensions to the starting gate approved by the stewards. The stewards also shall consider any guidelines promulgated by the associations appropriate to the breed of horses racing, the distance from the

start to the first turn, any other conditions affecting the safety and fairness of the start.

11 VAC 10-110-90. Coupling.

All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and shall be a single wagering interest. All horses entered in the same race and owned wholly or partially by the same owner or spouse or other common ties, shall be joined as a mutuel entry and shall constitute a single wagering interest, except that in stakes races, futurities or other events, the stewards, in their discretion, may permit horses having common trainers but different owners to run as separate wagering interests. The following provisions shall apply to mutuel entries:

1. The racing secretary shall be responsible for coupling entries for wagering purposes whether based on common owners or trainers;

2. No more than two horses having common ties through ownership or training, which would result in a mutuel entry and a single wagering interest, may be entered in an overnight race;

3. When two horses having common ties through ownership or training are entered in an overnight race, then the nominator shall indicate a preference for one of the two horses to start, in Standardbred races, the determination will be based on the preference date;

4. Two horses having common ties through ownership or training shall not start as a mutuel entry in an overnight race to the exclusion of another horse; and

5. The racing secretary shall be responsible for assigning horses to the mutuel field when the number of wagering interests exceeds the numbering capacity of the ~~infield results board~~ totalizator system.

11 VAC 10-110-100. Penalties and allowances.

The primary responsibility for claiming the weight penalties and weight allowances for thoroughbreds and quarter horses shall rest with the person filing the entry. However, the racing secretary shall be secondarily responsible for verifying the correctness of the penalties and allowances claimed by the nominator. The following provisions shall apply to penalties and allowances:

1. Penalties are obligatory;
2. Allowances are optional as to all of the allowance or any part thereof;
3. Allowances must be claimed at the time of entry and cannot be waived after the closing of entries, except by permission of the stewards;
4. A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of the allowance it was entitled to at the time of entry;
5. Horses incurring penalties for a race shall not be entitled to any allowances, with the exception of age, sex or apprentice, for that race;
6. An apprentice allowance may be claimed only in overnight races and cannot be claimed in a stakes or handicap race;
7. Horses not entitled to the first allowance in a race shall not be entitled to any subsequent allowance specified in the conditions;
8. Allowances are not cumulative, unless specified in the conditions of the race;
9. Failure to claim an allowance is not cause for disqualifying the horse;
10. A claim of an allowance to which a horse is not entitled shall not disqualify the horse unless the incorrect weight is carried by the horse in the race;

11. A protest that a claim of an allowance is incorrect must be made in writing and submitted to the stewards at least one hour before post time;

12. No horse shall incur a penalty or be barred from any race for having finished second or lower in any race;

13. No horse shall be given a weight allowance for failure to finish second or lower in any race;

14. No horse shall receive an allowance for not winning in one or more races, but maiden allowances and allowances to horses that have not won a race within a specified period or a race of a specified value are permissible;

15. Penalties incurred and allowances due in jump races shall not apply to races on the flat and vice versa;

16. No horse shall incur a penalty for a placing from which it was subsequently disqualified, but a horse earning a placing through the disqualification shall incur the penalty for that placement;

17. When a race is under appeal, the horse that finished first and any other horse, which may be moved into first place, shall be liable for all penalties attached to the winner until there has been a final determination;

18. Any error discovered in the assignment of any penalty or claim of any allowance may be corrected, with the permission of the stewards, until 45 minutes prior to post time;

19. In determining eligibility, allowances and penalties, the reports, records and statistics as published in the Daily Racing Form and its monthly chart books or any similar publication shall be considered official; and

20. In all races, except handicaps and races where the conditions expressly state otherwise, two-year-old fillies are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

11 VAC 10-110-110. Scale of weights.

For thoroughbreds racing on the flat, when the weights are not stated in the conditions of the race, the weights shall be assigned according to the scale of weights as published by The Jockey Club. For horses racing over jumps, when the weights are not stated in the conditions of the race, the weights shall be assigned according to the scale of weights as published by the National Steeplechase Association.

11 VAC 10-110-120. Foreign entries.

In determining eligibility, penalties and allowances for horses imported from a foreign nation, the racing secretary shall consider the Pattern Race Book published jointly by the Irish Turf Club, the Jockey Club of Great Britain and the Societe d'Encouragement. For horses imported from a foreign nation, the racing secretary shall convert metric distances to English measures by using a scale of 200 meters to the furlong and 1600 meters to the mile.

11 VAC 10-110-130. Prohibited entries.

Unless the published conditions state otherwise, any money paid in nominating, subscription, sustaining or entry fees shall be refunded, if the entry of an ineligible horse is discovered at least 45 minutes before post time. Otherwise, the moneys shall be considered part of the purse.

11 VAC 10-110-140. Preference system.

The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because they were eliminated through races overfilling or failing to fill. The racing secretary shall develop procedures through which these horse will be granted preference in future entries. The procedures developed by the racing secretary must be submitted to the stewards for their approval at least 15 days before the beginning of the race meeting.

11 VAC 10-110-150. Post positions.

Post positions for all races shall be determined by lot, drawn in the presence of persons filing the entries and supervised by a steward or his representative. The racing secretary shall be responsible for assigning pari-mutuel numbers for each starter to conform with the post position draw, except where the race includes two or more horses joined as a single wagering interest.

11 VAC 10-110-160. Also-eligible list.

If the number of entries for a race exceeds the number of horses permitted to start in any race, then the racing secretary may place as many as eight horses on an "also-eligible list." The racing secretary shall develop procedures through which the horses on the also-eligible list may be drawn into the race should a horse be scratched. The procedures developed by the racing secretary for the also-eligible list must be submitted to the stewards for their approval at least 15 days before the beginning of the race meeting.

11 VAC 10-110-170. Declarations.

For thoroughbred racing, a horse may be withdrawn from or "declared out" of a race before the closing of entries. All declarations shall be made in a manner prescribed by the racing secretary. Declarations are subject to the approval of the stewards and are irrevocable.

11 VAC 10-110-180. Scratches.

For flat racing, a horse may be withdrawn from or "scratched out" of a race after the closing of entries under the following conditions:

1. Scratches shall be made in a manner prescribed by the racing secretary;
2. Scratches are subject to the approval of the stewards;
3. A horse may be scratched from a stakes race, futurity or other special event until 45 minutes before post time for the race for any reason;

4. No horse may be scratched from an overnight race without the approval of the stewards;

5. In making a determination on whether to permit a horse to be scratched from an overnight race, the stewards may require a report from a veterinarian, who possesses a permit issued by the commission, attesting to the physical condition of the horse; ~~and~~

6. Scratches, once approved by the stewards, are irrevocable—; and

7. Entry of any horse that has been scratched or excused from starting by the stewards because of a physical disability or sickness shall not be accepted until the expiration of three racing days after such horse was scratched or excused and the horse has been removed from the Veterinarian's List by the commission veterinarian.

11 VAC 10-110-190. Responsibility for eligibility.

The primary responsibility for the eligibility of a horse for a race shall rest with the person filing the entry. In any event, a person shall not enter a horse which is ineligible under the conditions specified in the condition book or condition sheet. The racing secretary shall be secondarily responsible for verifying the eligibility of each horse as specified in the condition book or condition sheet as well as the penalties and allowances.

11 VAC 10-110-200. Reopening entries.

In the event an overnight race does not fill, the racing secretary, with the permission of the stewards, may reopen entries on that race and extend the closing time for entries for a reasonable period. When entries on a race are reopened, the racing secretary shall cause an announcement to be made over the public address system that entries have been reopened.

11 VAC 10-110-210. Canceling a race.

In the event an overnight race does not fill, the racing secretary may cancel that race and instead use a substitute race, which must be listed in the condition book or condition sheet, to complete the program.

11 VAC 10-110-220. Divided races.

When a race fails to fill, the racing secretary may divide any other programmed race, which may have been overfilled, for the same day. The following provisions shall apply to divided races:

1. The stewards, in their discretion, may grant additional time beyond the prescribed closing of entries to permit entries to be filed for races that have been divided;

2. The division of entries in divided races shall be in accordance with the conditions specified under which the entries were made; and

3. In the absence of any conditions regarding the division of entries, horses that might be coupled as mutuel entries may be placed in different divisions and the remainder of the horses shall be drawn by lot to provide wagering interests as equal as possible for each division of the divided race.

11 VAC 10-110-230. Starter's fee.

Notwithstanding the provisions of 11 VAC 10-20-190 A 7 b, any starter's fee due for benevolent purposes may be charged to an owner and may be deducted from the owner's account maintained in the horsemen's account. Any owner charged such a fee shall pay the amount due. The licensee or horsemen's bookkeeper shall not be obligated to collect amounts due.

I certify that this regulation is full, true, and correctly dated.

William H. Anderson
Director of Policy and Planning
Virginia Racing Commission
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