

Virginia Regulatory Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Racing Commission
VAC Chapter Number:	11 VAC 10-150-10, et seq.
Regulation Title:	Standardbred Racing
Action Title:	Amend
Date:	08/11/99

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of a new or amended regulation.

The regulations pertaining to Standardbred racing are being updated to bring them into conformance with currently accepted industry standards and the standards of the United States Trotting Association, the major trade association within the industry. This revision of the regulations, while highly technical in nature, will have the effect of providing substantial and needful uniformity across jurisdictional boundaries for owners, drivers, trainers, and other participants in the sport. These revisions will enhance the protection of the health, safety and welfare of the participants, both human and equine, in Standardbred racing in the Commonwealth.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority shall include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above shall be explained. Full citations of legal authority and web site addresses, if available, for locating the text of the cited authority shall be provided.

The Code of Virginia, 59.1-369, states in part, "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."

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Commission, in conjunction with the participants in Standardbred racing, have undertaken the process of updating the regulation based upon the experience of the first two extended harness racing meets at Colonial Downs. The staff of the Commission will be working closely with the racing officials from the recently concluded race meeting as well as the representatives of the Virginia Harness Horse Association in the revision of the regulation.

For instance, all parties to the process recognize the need to revise 11 VAC 10-150-30 to include language whereby sulkies used in racing must be ones approved by the United States Trotting Association. This will ensure the safety, health and welfare of the participants in harness racing, including the horses, because the sulkies will meet industry-mandated safety standards.

Further, all parties to the process recognize the need to revise 11 VAC 10-150-90 to specify the length of whips used in harness racing and in greater detail limit the use of whips during the running of harness races.

Finally, all parties to the process recognize the need to revise the regulations relating to Driving Rules, particularly 11 VAC 10-150-120 and 11 VAC 10-150-130. These regulations pertain to the conduct of the starting of races and the conduct of the races themselves. These regulations need to be specified in greater detail and brought up to generally accepted industry standards.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered and will be considered to meet the essential purpose of the action.

The Commission has waited until two extended harness racing meets have been conducted at Colonial Downs prior to making its periodic review of the regulations relating to Standardbred racing. The review included racing officials from Colonial Downs as well as representatives of the participants, namely, the Virginia Harness Horse Association. It was determined to begin the revision process while the experience of the most recent race meeting was fresh in the minds of the participants.

Clearly, the health, safety and welfare of the participants in Standardbred racing would not be protected much less advanced by keeping, in some cases, outdated regulations within the Commission's rulebook. While opting for the alternative of revising the regulation, all parties will be involved in the drafting of amendments and the new wording will be aimed at achieving the essential purpose of least burdensome and intrusive revision.