

VIRGINIA RACING COMMISSION

CHAPTER 60.  
PARTICIPANTS.

11 VAC 10-60-10. Generally.

No person shall participate in any horse racing subject to the jurisdiction of the commission or in the conduct of a race meeting or pari-mutuel wagering of the race meeting unless the person possesses a permit from the commission and complies with the provisions of the Act and the regulations of the commission. Permits issued by the commission are not transferable.

A. Application for permit. A person desiring to obtain a permit to participate in horse racing, with pari-mutuel wagering, shall make an application for a permit on a form prescribed by the commission. The application shall be accompanied by a fee prescribed by the commission and the cost of fingerprinting. The applicant shall be photographed. ~~The applicant shall also be fingerprinted upon making his initial application in the Commonwealth and at least once every five years thereafter.~~ The application shall be verified by the oath or affirmation of the applicant.

B. Fee schedule. Before submitting an application for a permit as a participant, the applicant shall consult the fee schedule (11 VAC 10-60-15) of the Virginia Racing Commission to ascertain the applicable fee, make out a check or money order payable to the Virginia Racing Commission or pay in cash the full amount of the fee, and submit the fee with the application.

~~C. Provisional permit. Pending the completion of a background investigation into the qualifications and fitness of an applicant for a permit, the commission shall grant a provisional permit in accordance with the following provisions:~~

~~1. The applicant shall be permitted to participate in horse racing to the extent allowed by the permit for which application was made;~~

~~2. The applicant, in the exercise of reasonable care and diligence, could not have made application in time for a decision to be made on the applicant's qualifications and fitness; and~~

~~3. The commission has no reason to believe that the applicant is ineligible for the permit for which application was made.~~

~~D. Termination of provisional permit. A provisional permit shall terminate upon a decision of the commission to approve or deny the application for a permit, or 120 days after the grant of the provisional permit, whichever occurs first. A provisional permit shall carry no presumption of qualifications or fitness, and may be terminated summarily by the commission for cause.~~

~~E. Recommendation by stewards. The stewards, employed as racing officials by the commission, shall promptly consider an application, and shall approve or deny the application based on the information in the application and all other information before them, including any investigation they deem appropriate. If an application is approved by the stewards, the permit shall be valid for one year.~~

~~F. Denial of application. The stewards shall deny the application, if they find that the approval of a permit for the person would not be in the best interests of the people of the Commonwealth, or the horse racing industry of the Commonwealth, or would reflect adversely on the honesty and integrity of the horse racing industry in the Commonwealth, or that the applicant:~~

~~1. Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information requested by the Commission;~~

~~2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse race meeting in this or any other state;~~

~~3. Has knowingly failed to comply with the provisions of the Act or the regulations of the commission;~~

~~4. Has had a permit to engage in activity related to horse racing denied for just cause, suspended or revoked in any other jurisdiction, and such denial, suspension or revocation is still in effect;~~

~~5. Is not qualified to perform the duties required for the permit sought; or~~

~~6. Has been convicted in any jurisdiction of a misdemeanor or felony involving unlawful conduct or wagering, fraudulent use of a credential, unlawful transmission of information, touting, bribery, administration or possession of drugs or any misdemeanor or felony considered by the commission to be detrimental to horse racing in the Commonwealth.~~

~~G. Denial is final. The denial of an application by the stewards as a participant in horse racing shall be final unless an appeal is made by the applicant under the provisions of these regulations.~~

C. Reciprocity. The commission shall conduct a review of the statutes of other jurisdictions pertaining to horse racing with pari-mutuel wagering to ascertain which jurisdictions have substantially the same standards as those of Virginia. Upon submission of an application and payment of the prescribed fee by a holder of permit, license or other similar document from those jurisdictions whose standards for permits, licenses or similar documents are substantially the same, the commission may, in its discretion, grant reciprocity to the applicant provided that the applicant has not been convicted of a misdemeanor or felony.

D. Fingerprinting. The applicant shall be fingerprinted upon making his initial application in the Commonwealth and at least once every five years thereafter. The commission may waive this requirement in connection with an application for a permit by reciprocity with another jurisdiction provided that the applicant was fingerprinted and was subjected to a criminal history record information check in a jurisdiction whose laws governing fingerprinting and background investigations are substantially the same as required by Virginia and that he has not been convicted of a misdemeanor or a felony. However, the commission, in its discretion, may require fingerprints from any applicant or holder of a permit at any time.

E. Consideration of application. The commission, acting through its executive secretary or other designee, shall promptly consider any application for a permit and issue the permit based on the information contained in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the commission shall issue the permit.

F. Denial of application. If from the face of the application, an applicant appears ineligible because of the requirements specified in §59.1-389 B of the Code of Virginia, his application shall be denied by the commission, acting through its executive secretary or other designee. The commission may deny an application for a permit for the reason specified in §59.1-389 C of the Code of Virginia. Absent mitigating circumstances, the application for a permit shall be denied if the applicant has [~~been convicted of solicitation/prostitution within five years next preceding the application date or has~~] three or more misdemeanor convictions, regardless of offense, within five years preceding the application date. If the applicant has multiple convictions of the same offense on the same day, it shall not constitute three or more misdemeanor convictions for purposes of this regulation. The applicant may withdraw his application prior to denial.

G. Ineligible applicant. If it appears that the applicant may be ineligible because he has committed a felony or misdemeanor

that may be detrimental to horse racing in the Commonwealth, he shall be afforded the opportunity to withdraw his application or request a hearing before a steward regarding his application. However, the commission, in its discretion, may issue a permit to an applicant providing the felony or misdemeanor is not one of those listed in §59.1-389 B 6 of the Code of Virginia.

[H. Felonies considered detrimental. In the absence of mitigating circumstances, the following felonies are considered detrimental to horse racing in Virginia and the commission, acting through its executive secretary or other designee, shall deny the application and refuse to issue the permit if the applicant has been convicted of any of them:

1. For horsemen participants:

a. Serious violent offenses, including but not limited to murder, rape, forcible sodomy, crimes against nature, and aggravated assault/maiming;

b. Burglary offenses; and

c. Arson offenses.

2. For employees of a licensee:

a. Larceny/theft offenses, including but not limited to robbery, embezzlement, and credit card theft;

b. Fraud offenses, including but not limited to forgery, uttering, and credit card fraud;

c. Arson offenses; and

d. Serious violent offenses, including but not limited to murder, rape, forcible sodomy, crimes against nature, and aggravated assault/maiming.]

[H I.] Renewal of permit. A holder of a currently valid permit may renew the permit annually by making application for a renewal on a form prescribed by the commission. The application for a renewal of a permit shall be accompanied by a fee prescribed by the commission. The applicant may be photographed with each application for a renewal.

[I J.] Knowledge of regulations. A holder of a permit shall be familiar with and knowledgeable of the regulations of the commission. Every holder of a permit is presumed to know the regulations.

[J K.] Reporting violations. A holder of a permit shall report immediately to the ~~stewards~~ commission every observed violation of these regulations as well as all violations of state and federal laws during the race meeting.

[K L.] Multiple participation. A holder of a permit may participate in horse racing in more than one capacity, with the exception of those capacities specifically prohibited by these regulations. A holder of a permit shall ~~declare~~ submit, in writing on a form prescribed by the commission, a request for multiple participation in horse racing. The stewards ~~may~~ shall deny a request for approval of his multiple participation where it would, in their discretion, pose a potential conflict of interest. Where approval is granted to a holder of a valid permit, ~~the~~ all applicable ~~fee~~ fees shall be paid by the participant.

[L M.] Employment of unauthorized participants. A holder of a permit shall not employ for participation within the enclosure any person who does not possess the appropriate permit issued by the commission or has not made application for the appropriate permit.

[M N.] Financial responsibility. A holder of a permit, who obtains food, shelter, medicine, transportation, veterinary services or other goods and services for himself or for others shall be responsible for paying for those goods and services. The stewards shall neither be obligated to collect debts nor

intervene where there is a dispute over a debt, unless in receipt of a judgment from a duly constituted court in the Commonwealth.

[N O.] Possession of permit. A holder of a permit shall have in his possession at all times his permit issued by the commission and shall be responsible for its safekeeping. The holder shall display his permit to gain entry to the enclosure or upon the request of appropriate racing officials, commission personnel or security personnel.

[O P.] Duplicate permit. A holder of a permit shall report immediately to the stewards the loss of his permit and immediately make application for a duplicate. The stewards shall notify the appropriate security personnel of the loss of the permit.

[P Q.] Misuse of permit. A holder of a permit shall not allow another person to use his permit for the purpose of obtaining any benefits or privileges pertaining to the permit.

[Q R.] Search and seizure. ~~An applicant for~~ A holder of a permit shall consent upon application and for the duration of the permit, if issued, to personal inspections (searches) of the applicant holder, inspections (searches) of the applicant's holder's personal property, and inspections (searches) of the premises and property located within the enclosure of the racetrack related to his participation in a race meeting by persons authorized by the commission, and to seizure of such property as is determined by the commission's designee conducting the search to be in violation of Chapter 29 (59.1-364 et seq.) of Title 59.1 of the Code of Virginia (1950) or this chapter. The following provisions shall apply to searches and seizures:

1. Any drug, stimulant, narcotic, controlled substance, drug paraphernalia, hypodermic needle, hypodermic syringe, battery or other electrical or mechanical appliance or any other device or substance which could be used to affect the speed or action of a horse, or any other device prohibited by this chapter that is in

the possession of ~~an applicant, a holder of a permit or a holder of a provisional permit~~ may be seized.

2. Commission personnel have the right to enter into, or upon buildings, stables, rooms (other than residences), private vehicles or other places within the enclosure, and ~~shall~~ may examine them, and inspect and examine personal property and effects of a holder of a permit ~~or holder of a provisional permit~~ for the purpose of determining that the items listed in subdivision 1 of this subsection are not in the possession of a permit holder, ~~applicants or holders of provisional permits~~ unless authorized by Chapter 29 of Title 59.1 of the Code of Virginia or this chapter; ~~and~~.

3. In addition, commission personnel shall visit, investigate, and have free access to the office, track, facilities, or other places of business of any licensee or permit holder and may compel the production of any of the books, documents, records, or memoranda of any licensee or permit holder for the purpose of satisfying themselves that Chapter 29 of Title 59.1 of the Code of Virginia and this chapter are being strictly complied with.

4. Failure to submit to any inspection or search described above or to any production of documents or seizure of property resulting therefrom, may subject a licensee, or a holder of a permit ~~or a holder of a provisional permit~~ to disciplinary action. In the event that such licensee or permit holder, ~~applicant, or holder of a provisional permit~~ refuses to submit, the following procedure shall apply:

Such refusal shall be immediately reported to the stewards by the person attempting to conduct the search. Such refusal, and the basis therefor, shall be provided in writing to the stewards by the permit ~~or provisional permit~~ holder ~~or applicant~~ and shall state the date, time and circumstances of the attempted search, and his reason(s) for refusing to submit to it. Upon receipt of such report, the stewards may take appropriate disciplinary action ~~in conformity with the provisions of these regulations including suspension or~~ which



may include the revocation or suspension of the permit or referral to the appropriate law enforcement authorities, but in no event shall the search or seizure proceed or the permit holder or any of his property be detained at that time neither the search nor any seizure of the property shall proceed.

5. The foregoing shall not preclude commission personnel from conducting searches and seizures when they have reasonable suspicion that a ~~person~~ permit holder is in the act of violating a regulation or evidence of a violation of a regulation may be destroyed, in which event the provisions of these regulations dealing with consent, refusal to consent, scope of search and disciplinary action shall apply.

[R S.] Workers' compensation. An applicant for a permit, where the person acts as an employer of three or more persons within the enclosure, shall purchase and maintain workers' compensation insurance, and shall submit, with his application, a copy of the declaration page or certificate of insurance. Should workers' compensation insurance coverage be terminated or canceled, the permit of the person may be suspended or revoked who is subject to the compensation provisions of the Virginia Workers' Compensation Act (§65.2-100 et seq. of the Code of Virginia) shall comply with the provisions of the Virginia Workers' Compensation Act regarding insurance and self-insurance and shall submit proof of his compliance with his application for a permit. Failure to remain in compliance with the insurance and self-insurance provisions of the Virginia Workers' Compensation Act throughout the duration of the permit shall constitute grounds for its revocation or suspension.

[S T.] Supervision of employees. A holder of a permit who is an employer shall supervise his employees so that their participation in horse racing is in accordance with these regulations, and shall be held jointly responsible for the actions of his employees as they relate to racing matters.

[T U.] Human drug testing. The use, possession or transportation of any controlled substance or drug as those terms are defined in the Virginia Drug Control Act (Va. Code

§54.1-3400 et seq. of the Code of Virginia) is prohibited within the enclosure of the racetrack unless the controlled substance or drug was obtained pursuant to a valid prescription or order from a duly licensed physician who is acting in the course of his professional practice or is otherwise authorized by these regulations. It shall be the responsibility of the holder of a permit to provide proof that he is using, possessing or transporting the controlled substance or drug pursuant to a valid prescription or order from a duly licensed physician or that such use, possession or transportation is otherwise authorized by these regulations.

In addition, the following provisions shall apply to the use or possession of controlled substances or drugs:

1. Any apprentice jockey, assistant starter, assistant trainer, clerk of scales, driver of Standardbreds, driver of starting gate, exercise rider, farrier, groom, hotwalker, identifier, jockey, outrider, ~~owner~~, paddock judge, patrol judge, placing judge, pony rider, starter, steward, trainer, valet, veterinarian or veterinarian's assistant at any horse racing facility licensed by the commission may be subjected by the commission or its designee to a urine test or other fluid test including a blood test for the purpose of detection of the presence of controlled substances, in the following manner ~~prescribed below~~:

a. At least once per week during the course of every unlimited race meeting, the executive secretary of the commission, or his designee, [~~shall~~ may] direct that the above-described testing be conducted. The day of each such testing shall be selected by the executive secretary or his designee at random and shall not be announced to the persons affected until the day so selected shall have arrived; and

b. Each sample shall be provided in the presence of the licensee's physician or other representative appointed by the executive secretary or his designee and in sufficient quantity to provide a split sample whenever possible. Such sample(s) shall be immediately sealed and tagged ~~on the form provided by~~

~~the commission~~. Evidence of such sealing shall be indicated by the signature of the tested permit holder, but the portion of the form which is provided to the laboratory for analysis shall not identify the individual permit holder by name. Only laboratories approved by the commission may be used in obtaining analysis reports or urine or other specimens. The commission and the stewards shall receive reports directly from the laboratory. If the permit holder so requests in writing to the stewards within 48 hours of notice of a positive lab report on the test sample submitted, the second portion shall be sent for further testing to a drug testing laboratory designated and approved by the commission. All costs for the transportation and testing of the second sample portion shall be the financial responsibility of the requesting permit holder, and payment shall be due from the requesting permit holder within 30 days of receipt of notice of the costs. The licensee's physician or other representative appointed by the executive secretary or his designee shall have overall responsibility for the preservation, storage and safeguarding of the second sample portion.

2. Notwithstanding the foregoing, any steward, acting with reasonable suspicion, may direct any holder of a permit, whether or not listed in the categories above, to submit a specimen of urine, or to submit to any other fluid test including a blood test for the detection of controlled substances or drugs, in which event the provisions of these regulations dealing with collection of sample(s), failure to provide a sample, positive sample test(s), and disciplinary action shall apply.

3. The presence in a sample of metabolites of ~~opoid~~ opioid, barbiturate, cannabis, cocaine, amphetamine, hallucinogen, phencyclidine-type drugs, volatile solvents or volatile nitrates, or other mood-altering or dependency-causing controlled substances or drugs will be considered a positive test. A positive test result shall be reported, in writing, to the executive secretary or his designee, who shall notify the permit holder involved in writing as quickly as possible.

4. In the event of a positive test, the following shall also apply:

a. For an initial positive test, a holder of a permit shall undergo a professional evaluation, at his own expense, by a physician approved by the stewards. If the evaluation indicates that the person's condition is non-addictive and not detrimental to the best interests of horse racing, the person shall be allowed to participate in horse racing, after producing a negative test and agreeing to undergo random testing for a period of ~~no~~ not greater than six months at the discretion of the stewards;

b. If the evaluation indicates the person's condition is addictive or detrimental to the best interests of horse racing, the person shall not be allowed to participate in horse racing until he can produce a negative test, has successfully completed a drug rehabilitation program acceptable to the commission, and agrees to undergo random testing for a period of not greater than six months at the discretion of the stewards; and

c. For a second positive test, a holder of a permit shall be suspended indefinitely by the stewards and may only apply for reinstatement after having successfully completed a drug rehabilitation program acceptable to the commission and agreeing to undergo random testing for a period of not greater than one year at the discretion of the stewards.

5. Notwithstanding the foregoing, a holder of a permit whose sample is positive may be subject to disciplinary action including but not limited to revocation or suspension of his permit.

[~~U~~ V.] Human alcohol testing. [On any racing day, any holder of a permit may not have present within his system an amount of alcohol which would constitute being under the influence of alcohol, defined as ~~.10%~~ .08% alcohol content or more, or being impaired, defined as between ~~.09%~~ .079% and ~~.05%~~ .04% alcohol content. ~~No holder of a permit shall have present within his~~

~~system an amount of alcohol which would give rise to the presumption that he was under the influence of alcohol intoxicants as specified in 18.2-269 A 3 of the Code of Virginia while performing or liable to perform those duties for which a permit is required.] In addition, the following provisions shall apply to the consumption of alcoholic beverages:~~

1. The commission hereby adopts breath testing as its approved method of testing for the presence of alcohol in humans and adopts the following procedure for such testing:

a. Any apprentice jockey, assistant ~~starters~~ starter, assistant trainer, clerk of scales, driver of Standardbreds, driver of a starting gate, exercise rider, farrier, groom, hotwalker, identifier, jockey, outrider, ~~owner~~, paddock judge, patrol judge, placing judge, pony rider, starter, steward, trainer, valet, veterinarian or veterinarian's assistant at any horse racing facility licensed by the commission may be required to take a breath alcohol test ~~no later than one hour before~~ prior to his participation in horse racing commences;

b. Testing devices shall be selected by the commission from among those listed on the Conforming Products List of Evidential Breath Measurement Devices amended and published in the Federal Register from time to time by the National Highway Traffic Safety Administration (NHTSA), United States Department of Transportation;

c. Each device shall be properly maintained and shall be calibrated by the use of calibrating unit listed on the NHTSA Conforming Products List of Calibrating Units for Breath Alcohol Testers (as amended) with sufficient frequency to ensure the accuracy of the device (within plus or minus .01 percent), but not less ~~frequent~~ frequently than provided in the manufacturers instructions;

d. Tests shall be conducted by a trained and qualified operator. The operator shall have received training on the operational principles of the particular instrument employed and

practical experience in the operation of the device and use of the breath alcohol calibrating unit; and

e. Tests shall be conducted in accordance with procedures specified by the manufacturer of the testing device, consistent with sound technical judgment, and shall include appropriate restrictions on ambient air temperature.

2. Notwithstanding the foregoing, any steward, acting with reasonable suspicion, may direct any holder of a permit, whether or not listed in the categories above, to submit to a breath alcohol test, in which event the provisions of ~~these regulations dealing with refusal to undergo a breath test, positive test(s), and disciplinary action~~ subdivision 4 of this subsection shall apply.

3. A holder of a permit listed in subdivision 1 a of this subsection who is impaired shall not participate in horse racing on that day, but for the first occurrence, shall not be subject to further disciplinary action; a second or subsequent occurrence shall subject such permit holder to disciplinary action.

4. A holder of a permit who is under the influence of alcohol or refuses to take a breath alcohol test at the direction of the stewards is subject to disciplinary action.

[V W.] Reciprocity of rulings. Any ~~person who has been issued a permit by the commission and has a~~ holder of a permit whose permit or license to engage in any activity related to horse racing denied for just cause, suspended or revoked in any other jurisdiction, and such denial, suspension or revocation is still in effect in any other jurisdiction has been denied, suspended or revoked for just cause in that jurisdiction shall not be permitted to participate in horse racing with pari-mutuel wagering in the Commonwealth of Virginia if such denial, suspension or revocation is still in effect.

[W X.] Official address. All notices required by law and by regulations of the commission to be mailed by the commission to

any holder of a permit shall be validly given when mailed to the latest address on file with the commission. Each holder of a permit shall maintain a record of his current mailing address with the commission. Any change of address by a holder of a permit shall be submitted in writing to the commission within 30 days of such change.

[X Y.] Disorderly conduct. A holder of a permit shall not engage in disorderly conduct which shall include but not be limited to using profane, abusive or insulting language, or assaulting or threatening to assault other participants, racing officials, commission employees or the public.

[Y Z.] Unwarranted objection. A holder of a permit may be subject to disciplinary action by the stewards if they determine that ~~the~~ an objection or protest is unwarranted and without merit.

**11 VAC 10-60-15. Fee schedule for permit holders.**

Type of Permit	Fee
Apprentice Jockey	\$10
Assistant General Manager	\$10
Assistant Racing Secretary	\$10
Assistant Starter	\$ 5
Assistant Trainer	\$10
Authorized Agent	\$10
Claims Clerk	\$10
Clerk of Scales	\$10
Clerk of the Course	\$10
Clocker	\$10
Concessionaire/Vendor	\$25
Concessionaire/Vendor Employee	\$ 5
Corporate Horse Owner	\$25
Custodian of Jockeys' Room	\$10
Director of Security	\$10
Driver	\$10
Entry Clerk	\$10
Exercise Rider	\$10
Farrier	\$10

Foreman	\$10
Gap Attendant	\$10
General Manager	\$10
Groom/Hotwalker	\$ 5
Horse Identifier	\$10
Horsemen's Bookkeeper	\$10
Horse Owner	\$10
Jockey	\$10
Jockey Agent	\$10
Lease	\$25
Licensee-Administrative Employee	\$10
Licensee-Marketing Employee	\$10
Licensee-Medical Employee	\$10
Licensee-Operations Employee	\$10
Licensee-Plant Employee	\$10
Licensee-Staff Employee	\$10
Mutuel Clerk	\$10
Mutuel Manager	\$10
Night Watchman	\$10
Other	\$10
Outrider	\$10
Paddock Judge	\$10
Partnership	\$25
Patrol Judge	\$10
Photo-Finish Camera Operator	\$10
Placing Judge	\$10
Pony Rider	\$10
Program Director	\$10
Racing Secretary	\$10
Security Officer	\$10
Stable Name	\$25
Stall Superintendent	\$10
Starter	\$10
Timer	\$10
Track Superintendent	\$10
Trainer	\$10
Valet	\$ 5
Veterinarian (Licensee)	\$10
Veterinarian (Private Practice)	\$10
Video Patrol Personnel	\$10



**11 VAC 10-60-20. Practicing veterinarian.**

A. Qualifications. A holder of a permit allowing the person to participate as a practicing veterinarian in Virginia shall possess a full and unrestricted license from the Virginia Board of Veterinary Medicine.

B. Prohibitions. A practicing veterinarian shall be prohibited from engaging in the following activities:

1. Owning, directly or indirectly, entirely or a portion of any horse racing at the race meeting where he is practicing veterinary medicine;

2. Wagering on the outcome of any race, either directly or indirectly, at the race meeting where he is practicing veterinary medicine; and

3. Furnishing any injection device, injectable substance or any other medication to another permit holder without the written permission of the stewards.

C. Duties. In the exercise of his duties, the practicing veterinarian shall:

1. Treat all horses under his care in a humane manner and report all instances of animal abuse or neglect immediately to the stewards;

2. Report immediately to the commission veterinarian and stewards any illness in a horse presenting unusual or unknown symptoms;

~~3. Submit daily written reports to the commission veterinarian of any treatment or medication prescribed or administered to a horse and the reports shall include the name of the horse, its trainer, the treatment performed, medication prescribed or administered, the dosage, and time and date of administration;~~

4 3. Retain duplicate copies of bills or statements issued to trainers or owners for at least one year;

5 4. Make available to the commission veterinarian, stewards or other commission personnel, upon request, copies of any written records or billing to trainers or owners; and

6 5. Use only single-use disposable syringes and infusion tubes, and whenever using a hypodermic needle or syringe, the practicing veterinarian shall destroy the needle and syringe and remove it from the enclosure.

**11 VAC 10-60-30. ~~Pharmaceutical representative.~~ (Repealed.)**

~~A person shall submit an application to participate in horse racing as a pharmaceutical representative. A pharmaceutical representative may sell only those substances authorized by the Virginia Drug Control Act and horse care products within the enclosure. A pharmaceutical representative shall submit a list of all medications or preparations to the commission veterinarian for approval prior to their sale, and sell only those approved by the commission veterinarian. The pharmaceutical representative shall only sell medications and preparations to practicing veterinarians and vendors of horse care products, and shall not sell, either directly or indirectly, to other permit holders.~~

**11 VAC 10-60-40. Horse owner.**

A. Generally. No horse may start in a race at a race meeting licensed by the commission unless the owner, or part owner who has an interest of 5.0% or more in the horse, has been issued a permit by the commission, or unless an application has been submitted by the owner or part owner, or by their trainer [assistant trainer,] or authorized agent, and the approval of the stewards has been obtained. If the trainer or authorized agent submits a partially completed application on behalf of an owner, the applicant shall complete the application within 30 days. The applicant shall be subject to disciplinary action for

failure to complete the application. In any event, all purse moneys earned shall be held until the application is completed.

B. Husband and wife. For the purposes of these regulations, a husband and a wife who enter their horse or horses as a single entry shall not be considered a partnership ~~when they enter their horse or horses as a single entity. However, a husband and wife~~ but shall make separate applications for permits as owners.

C. Registration of ownership. [Every certificate of registration or eligibility paper shall reflect the true ownership of the horse, ~~The true ownership of the horse shall be listed by the trainer with the racing secretary~~] and the ownership of the horse printed in the daily program shall conform to the ownership listed [on the certificate of registration or eligibility paper ~~with the racing secretary~~].

1. Before a horse can start in a race, ~~its true ownership must be recorded~~ the trainer must list its ownership with the racing secretary ~~and the appropriate breed registry, e.g., thoroughbred: The Jockey Club; standardbred: United States Trotting Association; quarter horse, American Quarter Horse Association; and arabian: Arabian Horse Registry of America;~~

2. In the event ownership of a horse is a syndicate, corporation, partnership or other joint venture, the name of the managing owner, which is shall be printed in the daily program, ~~shall be the person designated as the managing owner; and~~

3. In the event of a change in ownership of a horse, it shall be the responsibility of the new owner to record the change in ownership with the racing secretary ~~and the appropriate breed registry.~~

D. Qualifications of owners. In addition to all of the qualifications applying to all applicants in these regulations, applicants for permits as horse owners shall meet the following additional requirements:

[~~1. Shall be 18 years old or older, if a natural person;~~]

~~[2 1]. Shall present a copy of a declaration page or certificate of insurance for workers' compensation as required by these regulations; and~~

~~[3 2]. Shall own or have under lease a horse eligible to race and shall be able to prove ownership of a horse eligible to race to the satisfaction of the stewards; and.~~

~~4. Shall designate in writing a trainer who will have care and supervision for each horse.~~

E. Disclosure of ownership. ~~All holders of permits allowing them to participate in horse racing as owners shall make full disclosure of the entire ownership of each horse owned by them, and the Trainers shall be held jointly responsible for the full disclosure of ownership of all horses under their care to the racing secretary.~~ This disclosure shall be in writing and include:

1. All persons, who directly or indirectly, through lien, lease, partnership, corporate stockholding, syndication, or other joint venture, hold any present or reversionary right, title, or interest in the horse; and

2. All persons who by virtue of any form of ownership interest might exercise control over the horse or derive benefit from the racing of the horse as well as the degree and type of ownership held in the horse; and.

~~3.~~ The full disclosure shall be made to the racing secretary, with a copy submitted to the stewards, upon the horse's arrival within the enclosure or at the time of entry, whichever event occurs first, and the racing secretary ~~and stewards~~ shall be notified immediately upon any subsequent change in ownership.

F. Joint ownership. No more than five persons may be ~~issued permits~~ listed as owners of a single horse. In the event more than five persons own interests in a single horse, through

partnership, corporation, syndication or other joint venture, the owners shall designate, in writing, a member of the partnership, corporation, syndication or joint venture to represent the entire ownership and be responsible for the horse as the managing owner. Before the horse may be entered to race, the following requirements must be met:

1. A written designation of a managing owner to represent the entire joint venture must be submitted to the ~~stewards~~ racetrack secretary and signed by every person having an interest of 5.0% or more in any horse entered to race, the chief executive officer of any corporation involved, and the general partner of any limited partnership;

2. Each person having an interest of 5.0% or more in a horse shall apply for a permit as an owner;

3. Each person having an interest of less than 5.0% need not apply for a permit as an owner, unless he intends to participate at the race meeting; however, a complete list of names and addresses of persons having an interest of less than 5.0% shall be provided to the stewards for their approval; and

4. A horse shall not be entered where a person, who has any ownership interest in the horse, would be ineligible for a permit under these regulations.

G. Estates, partnerships, corporations and other legal entities. Every estate, partnership, corporation and other legal entity shall make application for a permit to the commission and ~~all parties to~~ persons having a 5.0% or more ownership interest in the estate, partnership, corporation or legal entity shall also make application to the commission for permits as owners.

1. A written designation of a managing owner to represent the estate, partnership, corporation or other legal entity must be submitted to the stewards and signed by every person having an interest of 5.0% or more in any horse entered to race, by the chief executive officer of any corporation involved, and by the general partner of any limited partnership;

2. The managing owner shall be responsible for submitting to the stewards a copy of the partnership papers or articles of incorporation which shall ~~including~~ include the following information:

a. The name or names of the horse or horses involved in the estate, partnership, corporation or other legal entity;

b. The name and address of every person having any interest in the horse or horses involved in the estate, partnership, corporation or other legal entity;

c. The relative proportions of such interests;

d. In whose name the horse or horses shall run, and whose name shall be printed in the daily program;

e. The person who may enter the horse in races if other than the trainer;

f. The terms of any contingency, lease or any other arrangement; and

g. All partnership papers, articles of incorporation or other appropriate documents must be signed by all parties to the estate, partnership, corporation or other legal entity.

3. All parties in the estate, partnership, corporation or other legal entity shall be jointly and severally liable for all stakes, fees and other obligations.

H. Leases. When a horse is held under a lease, the lease agreement must be submitted to the stewards for their approval, and when approved by the stewards, the lease shall be attached to the certificate of foal registration or eligibility certificate. Before the stewards may approve a lease agreement, the following conditions must be fulfilled:

1. The lessee is a permit holder as an owner;

2. The lessor is eligible for a permit;

3. The signatures of the lessors and lessees on the lease agreement are subscribed and sworn to before a notary public;

~~[4. The term of the lease is not less than one year, unless sooner terminated by claim or retirement of the horse];~~

[5 4]. The conditions of the lease specify whether the horse can be entered in a claiming race, and if so, the minimum price for which the horse can be entered, and the name of the payee in the event the horse is claimed;

[~~6~~ 5]. The conditions of the lease specify that upon the horse being claimed, the lease shall terminate and all rights to the horse shall pass to the claimant as a bona fide purchaser;

[7 6]. The conditions of the lease divest lessors or sublessors of control or direction of the racing performance of the horse while held under the lease agreement; and

[~~8~~ 7]. The program listing of the lessee would not mislead the public by reason of the absence in the daily program of the name of a person or persons possessing a beneficial interest in the horse.

I. Stable names. A holder of a permit as an owner may register a "stable name" with the commission. All names that do not reveal the actual identity or identities of the owner or owners of the horse or horses shall be considered stable names. The following conditions shall apply to stable names:

1. In making an application for a stable name, the applicant shall make a full disclosure of all of the parties to the stable name regardless of the proportion of their interest;

2. All parties, who have an interest of 5.0% or more, in the stable name must be holders of permits as owners;

3. If a partnership or corporation is involved in the stable name, then all of the provisions of these regulations applicable to partnerships or corporation must be complied with as well;

4. Any changes in the parties to the stable name must be reported to the racing secretary and the stewards prior to the horse being entered;

5. Any person, who has been a party to a stable name, may cancel his participation in the stable name upon giving a [~~notarized~~ written] statement to the stewards and racing secretary, and the notice must be received before time ~~or~~ of entry;

6. A stable name shall not be used that is identical to one registered with the commission or with The Jockey Club, the National Steeplechase Association, the United States Trotting Association or the American Quarter Horse Association;

7. A stable name shall not be used which is the name of another owner of horses or the name of another prominent person;

8. A trainer may use a stable name only if he is a party to the stable name and trains all of the horses racing under the stable name;

9. The stable name must be clearly distinguishable from other stable names [~~,— and when appearing in the daily program, the stable must be accompanied by the legal name of the owner~~]. If the stable name has more than one owner, one legal name of a party to the stable name must appear followed by the term "et al;"

10. A corporate name may be used as a stable name, ~~but under no circumstances shall a stable name be used for advertising purposes;~~ and

11. A stable name may be canceled when all parties to the stable name submit to the stewards and racing secretary written



notice of the cancellation, and a stable name may be changed by registering a new stable name with the commission.

J. Racing colors. For thoroughbred, ~~jump~~ steeplechase and other flat races, a holder of a permit as an owner shall register a set of racing colors when submitting an application for an owner's permit. The following provisions shall regulate the registration of racing colors:

1. Owners shall be responsible for designing and providing racing colors, consisting of jackets and caps of distinctive colors and patterns, to be worn by jockeys during a race;

2. Racing colors shall be registered annually by the owner;

3. Racing colors that are not readily distinguishable from those already registered by the commission or from those already registered with The Jockey Club or the National Steeplechase Association shall be prohibited;

~~4. Racing colors including advertising, promotional, cartoon symbols or words are prohibited;~~

~~5~~ 4. No jockey may wear the racing colors except those registered by the owner; however, in emergency situations, the jockey may wear substitute racing colors with the permission of the stewards; and

~~6~~ 5. Owners and trainers shall be jointly responsible for providing the clerk of scales with racing colors that are neat, clean and in good repair.

~~[K. Registration requirements. No owner may start his horse in any race unless the certificate of registration or eligibility certificate has been presented to the racing secretary,] and the registration documents are properly completed showing the name, color, sex, age, pedigree and true ownership of the horse.~~

~~L. Change of trainer. An owner may make a change in a trainer of his horse or horses upon the submission of a written notice to the stewards and the racing secretary.~~

~~M [L. Prohibitions on owners. No owner shall enter a horse that is ineligible.] Only a practicing veterinarian possessing the appropriate permit may treat a horse that is entered in a race on which pari-mutuel wagering shall be conducted.~~

**11 VAC 10-60-50. Authorized agent.**

A holder of a permit allowing the person to participate in horse racing as an owner may employ an authorized agent to act on his behalf in all matters pertaining to racing and ownership of horses within the enclosure. The following provisions shall apply to authorized agents:

1. The owner shall submit to the stewards a signed, notarized statement authorizing the agent, specifying the powers of the agent, and specifying whether or not the agent is empowered to receive money from the horsemen's account;

2. The authorized agent shall apply for the appropriate permit, and shall apply separately for permits for each owner represented;

3. A copy of the owner's signed, notarized authorization shall be submitted by the owner to the racing secretary, horsemen's bookkeeper and attached to the application for the permit;

4. The owner shall be jointly responsible for all acts and omissions of the authorized agent while serving on behalf of the owner in a racing matter; and

5. An owner may revoke the agency by submitting written notification to the stewards.

~~11 VAC 10-60-60. Bloodstock agent. (Repealed.)~~

~~A person shall submit an application for a permit to participate in horse racing as a bloodstock agent who for gain, gratuity, commission or reward in either money or goods, acts as an agent for the sale or purchase of any horse, which is not his own, stabled within the enclosure and eligible to race at a meeting licensed by the commission. The following provisions shall apply to bloodstock agents:~~

~~1. All bloodstock agents shall apply for the appropriate permit before participating in any transaction involving a horse stabled within the enclosure and eligible to race;~~

~~2. A bloodstock agent who participates in a transaction where any warranty of soundness, condition or racing ability is expressed or implied shall submit to the stewards, within five days of the date of the sale, a written statement of the warranty setting forth the warranties expressed or implied, and signed by the seller and buyer or by the bloodstock agents acting on their behalf;~~

~~3. A bloodstock agent who participates in a transaction, which includes any lien upon the horse, shall file a written statement within five days of the sale with the stewards; and~~

~~4. No bloodstock agent shall either misrepresent any material fact, nor withhold any material fact which he knows, from any person connected with the sale of a horse or misrepresent his personal interest in any horse.~~

#### **11 VAC 10-60-70. Trainer.**

A. Generally. No horse may be entered to race at a race meeting licensed by the commission unless the horse is under the care and supervision of a person holding a permit from the commission as a trainer. A trainer may represent the owner in entering of a horse, declaring the horse out of a race or retaining a jockey.

B. Qualifications. A permit may be issued to a person to participate in horse racing as a trainer, if the person

possesses a currently valid permit as a trainer in Virginia or another jurisdiction or if the person satisfactorily completes a trainer's test, administered under the supervision of the stewards. A person shall not be issued a permit as a trainer unless he meets the following requirements:

1. The person must be 18 years old or older;

2. ~~Shall present a copy of the declaration page or certificate of insurance for workers' compensation as required by these regulations~~ If the applicant for the permit is subject to the compensation provisions of the Virginia Workers' Compensation Act (§65.2-100 et seq. of the Code of Virginia), he must submit proof of his compliance with the insurance and self-insurance provisions of that Act with his application for the permit;

3. The person must be qualified by experience or competence to care for and train racehorses; and

4. The person must have in his charge a horse eligible to race.

C. Trainer's test. The stewards may require any person, whether or not he holds a currently valid permit ~~from the commission in Virginia~~ in Virginia or another jurisdiction as a trainer, to satisfactorily complete a trainer's test to demonstrate that he is qualified by experience or competence to care for and train racehorses. The test shall consist of a written test administered by the stewards and a barn test administered by representatives of the horsemen, under the supervision of the stewards.

D. Prohibitions. A holder of a permit ~~allowing the person to~~ may not participate in horse racing as a trainer ~~is prohibited from also participating in horse racing~~ and as a jockey or apprentice jockey with the exception of jump races, jockey agent, veterinarian[, or] veterinarian's assistant, equine dentist, [farrier, or farrier's assistant] , or as an employee of the licensee. In addition, a trainer:

1. Shall not train horses under an assumed name or stable name; and

2. Shall not engage in any activity, directly or indirectly, involving the care, supervision or racing of horses other than those he has registered with the racing secretary as being in his charge- [; and]

[3. A holder of permits to participate in horse racing as a trainer and as a jockey shall only ride those horses trained by the permit holder.]

E. Suspension. All horses in the charge of a trainer whose permit is suspended for more than 10 days or revoked shall not be allowed to race. When a trainer's permit is suspended or revoked, it shall be the responsibility of the owners of the horses to designate in writing to the stewards to whom the responsibilities for training the horses shall be transferred. This written notice shall be presented to the stewards for approval. The stewards, in their discretion, may withhold approval of a transfer of horses to another trainer, if they believe that the transfer of the horses to another trainer would in any way circumvent the intent of the ruling of the commission.

F. Duties. A person holding a permit allowing him to participate in horse racing as a trainer shall be responsible for the proper care, health, training, safety and protection of horses under his care against administration of all substances foreign to the natural horse, except those specifically permitted by the regulations of the commission. In the exercise of his duties, a trainer shall:

1. Register with the stewards all persons in his employ and ensure that all of his employees have made application for the appropriate permits from the commission ~~within 24 hours of arriving within the enclosure or being employed;~~

2. Promptly notify the stewards and the licensee's director of security of any employee he discharges;

~~3. Provide workers' compensation insurance coverage for all of his employees [Comply with the insurance and self-insurance provisions of the Virginia Workers' Compensation Act (65.2-100 et seq. of the Code of Virginia) if he is subject to the compensation provisions of that Act;]~~

[4 3.] Register all horses in his charge and present to the racing secretary the certificates of registration, certificates of eligibility or other registration documents;

[5 4.] Enter horses, with the permission of the owner, and bear primary responsibility as to the horse's eligibility, weight allowances, racing fitness, proper shoes, bandages, and other equipment;

[6 5.] Ensure that the horse is in the paddock at the time prescribed by the stewards;

~~7. Be responsible, jointly with the owner, for horses he enters as to stakes payments and jockey fees due;~~

[8 6.] Furnish the name of the jockey engaged to ride the horse, ~~if possible, at time of entry, but in no event later than scratch time~~ at the time designated by the racing secretary;

[9 7.] Attend the horse in the paddock and supervise the saddling of the horse, and in his absence, provide an assistant trainer or other trainer to attend the saddling of horses and assume responsibility for the horses already entered;

[10 8.] Witness himself, or assign one of his employees to witness, the collection of samples of blood, urine, or other bodily substances in the ~~detention~~ test barn;

[11 9.] Maintain the stable area assigned to his horses in a neat, clean and sanitary condition at all times, and ensure that all fire prevention measures are taken; and

[12 10.] Report promptly to the commission veterinarian any serious illness or death of a horse in his charge.

G. Standardbred trainer. A permit may be issued to a person desiring to participate in horse racing as a trainer of Standardbreds, if the person possesses a currently valid trainer's [~~permit in Virginia or~~] license from the United States Trotting Association [or a permit in Virginia].

H. Steeplechase trainer. A permit may be issued to a person desiring to participate in horse racing as a trainer of horses utilized in ~~jump~~ steeplechase races, if the person possesses a currently valid trainer's license issued by the stewards of the National Steeplechase Association or a currently valid permit as a trainer of horses utilized in ~~jump~~ steeplechase races in Virginia or another jurisdiction.

I. Substitute trainer. When a trainer is absent from his stable or the enclosure and a horse under his care is scheduled to race, he must provide a licensed trainer or assistant trainer to assume joint responsibility for the horses he is training. The substitute trainer or assistant trainer shall sign, in the presence of the stewards, a statement accepting responsibility for those horses.

J. Assistant trainer. A person holding a permit allowing him to participate in horse racing as a trainer may employ an assistant trainer with the approval of the stewards. Any assistant trainer shall be qualified to assume the duties and responsibilities imposed upon the holder of a trainer's permit, and the trainer shall be jointly responsible for the assistant trainer's acts and omissions involving racing matters and these regulations.

K. Trainer responsibility. The trainer shall be the absolute insurer of, and responsible for, the condition of each horse he enters in a race, regardless of the acts of third parties. A trainer shall not start a horse or permit a horse in his custody, care or control to be started if he knows, or through

the exercise of reasonable care he might have known or has cause to believe, that the horse has received a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission. The trainer shall guard, or caused to be guarded, each horse in his charge in a manner and for a period of time before racing so as to prevent any person from administering a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission.

**11 VAC 10-60-80. Stable foreman.**

A person shall submit an application to participate in horse racing as a stable foreman. The person shall meet all of the requirements set forth in these regulations pertaining to participants, and be an employee of a person holding a permit as an owner or trainer. The person's participation in horse racing shall be in accordance with these regulations.

**11 VAC 10-60-90. Night watchman.**

A person shall submit an application to participate in horse racing as a night watchman. The person shall meet all of the requirements set forth in these regulations pertaining to participants, and be an employee of a person holding a permit as an owner or trainer. The person's participation in horse racing shall be in accordance with these regulations.

**11 VAC 10-60-100. Groom.**

A person shall submit an application to participate in horse racing as a groom. The person shall meet all of the requirements set forth in these regulations pertaining to participants, and be the employee of a person holding a permit as an owner or trainer. The person's participation in horse racing shall be in accordance with these regulations.

**11 VAC 10-60-110. Hotwalker.**



A person shall submit an application to participate in horse racing as a hotwalker. The person shall meet all of the requirements set forth in these regulations pertaining to participants, and be the employee of a person holding a permit as an owner or trainer. The person's participation in horse racing shall be in accordance with these regulations.

**11 VAC 10-60-120. Jockey.**

A. Generally. A person shall submit an application to participate in horse racing as a jockey. The applicant shall submit to the stewards sufficient evidence that he is either a journeyman or apprentice jockey in Virginia or another jurisdiction and demonstrates sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys.

B. Examinations. A jockey may be required to take a physical examination from a physician appointed by the stewards to establish that he possesses the physical ability to safely ride in races. A jockey may also be required to take an eye examination from a physician appointed by the stewards to establish he has eyesight sufficient to safely ride in races.

~~C. Prohibitions. A jockey or apprentice jockey may not be an owner or trainer of any racehorse with the exception of horses starting in jump races.~~

⊘ C. Apprentice jockey. If the person does not possess a currently valid permit ~~from~~ in Virginia or another jurisdiction as an apprentice jockey ~~or~~, has not ridden satisfactorily in three races at a pari-mutuel meeting, or has never held a thoroughbred journeyman jockey permit, then the stewards may allow the person to ride probationary mounts in three races at a race meeting licensed by the commission under the following conditions:

1. That he is at least 16 years old;

2. That he has ~~been employed~~ held a permit for at least one year as an exercise rider under the supervision of a person holding a permit as a trainer;

3. A trainer submits a notarized statement to the stewards that the person has been employed by him and has demonstrated sufficient horsemanship to be allowed to ride in three races at a race meeting licensed by the commission;

4. The starter has schooled the person from the starting gate with other horses and approves the person as capable of breaking a horse properly from the starting gate;

5. The stewards retain sole discretion of whether or not the person possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys; and

6. The stewards, in their discretion, may at any time deny the person the opportunity to ride in more races for cause.

If the person possesses a currently valid permit from another jurisdiction as an apprentice jockey or has ridden satisfactorily in three races at a pari-mutuel meeting, then the person must submit sufficient evidence to the stewards:

a. That he is at least 16 years old;

b. That he has ridden satisfactorily in at least three races at a pari-mutuel meeting; and

~~c. That he has been employed for at least one year under the supervision of a person holding a permit as a trainer; and~~

~~d~~ c. That he has demonstrated to the stewards sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other jockeys.

~~E~~ D. Amateur jockey. A permit may be issued to a person desiring to participate in horse racing as an amateur jockey.

The person shall compete on even terms when riding against professional jockeys, but he shall not accept any fees or gratuities. The person must meet all of the requirements for an apprentice jockey, and his amateur status must be noted on the program.

F E. ~~Jump~~ Steeplechase jockey. A permit may be issued to a person desiring to participate in horse racing as a jockey riding horses in ~~jump~~ steeplechase races. A person shall submit an application for the appropriate permit, meet all of the requirements pertaining to holders of permits as jockeys, and hold a currently valid license issued by the stewards of the National Steeplechase Hunt Association.

G F. Foreign jockey. Whenever a jockey from a foreign country, excluding Mexico and Canada, rides in the United States, he must submit an application for a permit and declare that he is a holder of a valid permit and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet stating:

1. That he is the holder of a valid permit to ride;
2. That he is not currently under suspension; and
3. That he agrees to be bound by the rules and regulations of the jurisdiction in which he is riding.

This sheet shall be retained by the stewards and at the conclusion of the jockey's participation in racing, it shall be returned to the jockey, properly endorsed by the stewards, stating he has not incurred any penalty or had a fall. If a penalty has been assessed against the jockey, the stewards shall notify the racing authority issuing the original permit to extend the penalty for the same period of time.

H G. Apprentice allowance. An apprentice jockey ~~or jockey riding probationary mounts may claim in all overnight races, except handicaps, a five-pound apprentice allowance. The jockey may claim the five-pound apprentice allowance for a period of~~

~~one year from the date he rides his fifth winner. He shall be entitled for the five-pound apprentice allowance beyond the one year limit until he rides a total of 45 winners. However, he shall not be entitled to the five-pound apprentice allowance beyond two years from the date of riding his fifth winner. may claim the following weight allowances in all overnight races except stakes races and handicaps:~~

1. A 10-pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.

2. A seven-pound allowance until the apprentice has ridden an additional 35 winners.

3. If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his fifth winner, he shall have an allowance of five pounds for one year from the date of the fifth winning mount.

4. If, after a period of one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for one more year or until the apprentice rides his 40<sup>th</sup> winning mount, whichever comes first. But in no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted under the provisions of this regulation.

5. An apprentice who possesses a contractual agreement may claim an allowance of three pounds for an additional one year when riding horses owned or trained by the original contract employer.

~~‡ H. Extension of apprentice allowance. The stewards, in their discretion, may extend the apprentice allowance because of time lost by disability arising out of an accident and injury incurred while plying his trade or by military service, disabling illness or restrictions on horse racing. In order to qualify for the extension, he shall have been rendered unable to ride for a period of not less than 14 consecutive days during~~

the period in which he was entitled to an apprentice allowance. The commission or its designee may extend the weight allowance of an apprentice jockey when an apprentice jockey is unable to continue riding due to (i) physical disablement or illness, (ii) military service, (iii) attendance in an institution of secondary or higher education, (iv) restriction on racing, or (v) other valid reasons.

1. In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, the commission or its designee will give consideration to the total days lost collectively.

2. The commission or its designee shall have the authority to grant an extension to an eligible applicant, but only after the apprentice jockey has submitted documentation to them verifying the days lost as defined by this regulation.

3. An apprentice jockey may petition the commission or its designee for an extension of time for claiming apprentice weight allowances, and the apprentice jockey shall be bound by the decision of the commission or its designee. If the apprentice jockey has been denied an extension in another jurisdiction, the commission or its designee shall deny the application for an extension.

‡ I. Jockey contracts. An apprentice jockey may enter into a contract with an owner or trainer, who holds an appropriate permit issued by the commission, for a period not less than three years nor more than five years. The following provisions shall apply to contracts for apprentice jockeys:

1. The original contract is to be submitted to the stewards with copies made available to the parties to the contract;

2. A written extension may be made to a contract, if the original was for less than five years;

3. The original contract shall be kept in full force and in effect throughout its contract period. Any and all amendments to the contract shall be made a part of and either added to or attached to copies in the possession of the parties and a copy of the amendments submitted to the stewards;

4. An owner or trainer may not enter into a contract with an apprentice jockey unless he has control or possession of a stable of horses as would, in the discretion of the stewards, warrant the employment of an apprentice;

5. An apprentice jockey may not acquire his own contract;

6. All apprentice jockey contracts must be submitted to the stewards within 30 days of their execution or upon filing an application for a permit;

7. The contract shall provide for fair remuneration, adequate medical attention, suitable board and lodging, workers' compensation insurance coverage, and provision for conserving the savings out of the earnings of the apprentice; and

8. Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by his contract holder. An interest in the winnings only, e.g., a trainer's commission, does not constitute ownership.

⌘ J. Apprentice certificate. An apprentice jockey may be granted an apprentice certificate issued by the stewards commission or its designee, in lieu of a traditional apprentice contract. The apprentice certificate shall be for three years, from the date of issuance, and shall grant to an apprentice all allowances and conditions that are granted to an apprentice jockey who is under contract. An apprentice jockey who loses his weight allowances shall obtain a jockey permit before being permitted to ride again.

⚡ K. Restrictions of jockeys under contract. Any apprentice or journeyman jockey, who is under a contract to an owner or trainer, shall not:

1. Ride any horse not owned or trained by his contract employer in a race against a horse owned or trained by his contract employer;

2. Ride or agree to ride any horse in a race without consent of his contract employer; and

3. Share any money earned from riding with his contract employer; and.

~~4. Accept any present, money or reward of any kind in connection with his riding of any race except through his contract employer.~~

⚡ L. Calls and engagements. Any jockey, who is not prohibited by a contract, may agree to give first or second calls on his services to any owner or trainer. If the agreement is for more than 30 days, then the agreement must be in writing and a copy of the agreement submitted to the stewards for approval. Any jockey employed by an owner or trainer on a regular salaried basis may not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent him from riding another horse.

⚡ M. Naming of jockeys. A jockey shall be named to ride a horse in a race ~~no later than scratch time of the day of the race~~ at a time designated by the racing secretary, and a subsequent change of a jockey shall be approved by the stewards. The following provisions shall apply to the naming of a jockey:

1. After a jockey gives a call to ride a horse in a race, either personally or through his agent, and fails to fulfill the engagement, he shall not accept another engagement in that race or be assigned by the stewards to another horse in that race; and

2. In races where a jockey has more than one engagement, the jockey agent shall ~~be requested to~~ specify a first and second call on the jockey's services; and

3. A jockey may be named on no more than two horses in ~~the body of a race and named on no more than three horses including "also eligibles."~~ [In turf course races, in which there is an also-eligible list for the dirt course, a jockey may be named on no more than three horses, one of which shall be a dirt course only entrant.]

⊖ N. Fee earned. A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his own free will, takes himself off of his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above regulation shall be at the discretion of the stewards.

P. Multiple engagements. If any owner, or his trainer or authorized agent, engages two or more jockeys ~~after scratch time to ride the same horse in the same race~~ after the time designated by the racing secretary to name jockeys, the owner shall pay the ~~unplaced fee to the jockey not riding his horse in the race~~ jockey taken off the horse a matching fee equal to that earned by the jockey who rode the horse. No owner shall be held liable for multiple engagements where such engagements are the results of actions taken by jockeys or their agents. An owner or trainer who elects to remove a jockey from his mount after the time designated by the racing secretary for naming jockeys may be subject to disciplinary action by the stewards.

⊖ P. Duty to fulfill engagements. A jockey shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No jockey shall be forced to ride a horse he believes to be unsound or over a racing surface that he believes to be unsafe. If the stewards find that a jockey's refusal to fulfill a riding engagement is unwarranted, then the jockey may be subject to disciplinary action.



R Q. Presence in jockey room. A jockey, who has an engagement to ride in a race, shall report his weight and be physically present in the jockeys' room at a time appointed by the stewards, unless excused by the stewards, and upon arrival shall report all of his engagements for the program to the clerk of scales. The following provisions shall apply:

1. In the event a jockey does not report to the clerk of scales at the appointed time, the clerk of scales shall advise the stewards who may name a substitute jockey and any substitution shall be publicly announced prior to the opening of wagering;

2. After reporting to the clerk of scales, a jockey shall remain in the jockeys' room until he has fulfilled all of his engagements for the program. A jockey may only leave to ride in a race or to view the races from a location approved by the stewards;

3. A jockey shall have no communication with any person outside the jockeys' room other than an owner or trainer for whom he is riding, [a] racing official[,] his jockey agent or representative of the media; and

4. A jockey, who intends to discontinue riding at a race meeting prior to its conclusion, shall notify the stewards no later than upon fulfilling his final engagement of the day he intends to depart.

S R. Attire. A jockey shall wear traditional attire and shall be neat and clean in appearance. A jockey shall wear the cap and jacket in the owner's racing colors, white breeches, top boots, protective helmet, safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association, and a number on his right shoulder corresponding to the horse's number as shown on the saddle cloth and daily program.

¶ S. Weighing out. A jockey shall report to the clerk of scales for weighing out, not more than one hour and not less than 15 minutes before post time for each race in which he is engaged to ride, and at the time of weighing out shall declare overweight, if any. The following provisions shall apply to weighing out:

1. A jockey shall not carry more than ~~one pound~~ two pounds of overweight, without the consent of the owner or trainer of the horse which he is engaged to ride; however, a jockey shall not carry more than ~~five~~ seven pounds of overweight;

2. ~~Whip, blinkers, number cloth, bridle, goggles and protective helmet~~ Bit, blinkers, bridle, number cloth, reins, safety helmet, safety vest, whip, goggles, overgirth, chamois and breastplate shall not be included in a jockey's weight;

3. All overweights shall be promptly reported to the stewards; and

4. No horse shall be disqualified because of overweight carried.

¶ T. Weighing in. Following the completion of the race, a jockey shall ride his horse to the ~~finish, salute the stewards before dismounting~~ designated area, salute the stewards, dismount, remove from the horse his equipment, without assistance, which is to be included in a jockey's weight, and move ~~promptly~~ directly to the scales where he may be weighed in by the clerk of scales. No person shall throw any covering over any horse until a jockey has removed from the horse his equipment which is to be included in a jockey's weight. Due to injury to either horse or jockey, the stewards may excuse the jockey from weighing in. [A jockey shall not weigh in at less weight than he weighed out and no jockey shall weigh in at more than four pounds over the weight at which he weighed out unless affected by the [elements weather and with the permission of the stewards.]]

¶ U. Wagering. A jockey may only have a wager placed for him through an owner or trainer of the horse he is riding in the race, and the jockey's wager shall only be on his horse to win. The owner or trainer placing the wager shall keep precise records of all wagers placed for a jockey and the record shall be available to the stewards upon request.

¶ V. Viewing films. ~~A jockey shall be responsible for checking the film list posted by the stewards in the jockeys' room the day after riding in a race.~~ The stewards shall attempt to notify all jockeys who are requested to attend the reviewing of the films, and their names shall be posted on the film list. A jockey, whose name is on the film list, shall be present at the designated time and place to view the films of the race, unless excused by the stewards. A jockey may be accompanied by a representative of his choosing.

~~X. Jockey suspensions. The stewards, with the approval of the commission, may designate the stakes races, futurities or other special events at the race meeting in which a jockey will be permitted to compete, notwithstanding the fact that the jockey is under suspension for 10 days or less for a riding infraction at the time the designated race is to be run. The following provisions shall apply:~~

~~1. The ruling issued by the stewards for jockeys shall state: "The term of this suspension shall not prohibit participation in designated races;"~~

~~2. A listing of the designated races shall be posted in the jockeys' room, the racing secretary's office and any other place deemed appropriate by the stewards;~~

~~3. A suspended jockey must be named at time of entry to participate in any designated race; and~~

~~4. A day in which a jockey participated in one designated race while under suspension shall count as a suspension day.~~

W. Designated races. A jockey who is serving a suspension of 10 days or less will be permitted to ride in a designated race during the suspension if:

1. The race has been specified as a designated race by the racing secretary before opening day of the race meeting.

2. The race has been approved as a designated race by the stewards.

3. The jockey is named not later than at the time designated by the racing secretary.

4. The jockey agrees to serve an additional day of suspension in place of the day on which the jockey rides in a designated race.

Reciprocity of this regulation will apply only to those jurisdictions which have adopted the designated race regulation.

#### **11 VAC 10-60-130. Jockey agent.**

A person shall submit an application to participate in horse racing as a jockey agent. The jockey agent acts as an agent for the jockey he represents in securing riding engagements. The stewards, in their discretion, may ask a person to take a written or oral examination to determine his fitness to participate in horse racing as a jockey agent. In addition to all of the requirements imposed upon all holders of permits, the following shall apply to jockey agents:

1. A jockey agent shall designate in writing those jockeys for whom he is making engagements;

2. A jockey agent shall have in his possession at all times an engagement book, approved by the stewards, and all engagements made for a jockey by the agent shall be recorded in the book. The book shall be presented to the stewards upon request;

3. A jockey agent shall not make or assist in making of any engagement for a jockey other than those he has designated in writing;

4. A jockey agent may make engagements for only two jockeys, one of which must be an apprentice jockey;

5. A jockey agent may make engagements for two journeyman jockeys only with the permission of the stewards;

6. If a jockey agent relinquishes the making of engagements for any jockey, the jockey agent shall immediately notify the stewards and clerk of scales and turn over to the stewards a list of any unfilled engagements he may have made for that jockey;

7. A jockey agent may give only one "first call" and ~~two "second calls"~~ one "second call" per race for each jockey he represents, and conflicting claims for the services of a jockey shall be decided by the stewards;

8. A jockey agent shall be able to explain, to the satisfaction of the stewards, rival claims for the services of a jockey or that the rival claims are the result of bona fide error;

9. No jockey shall have more than one agent;

10. An owner, trainer or authorized agent may make engagements for an apprentice jockey or jockey; and

11. A jockey not represented by an agent may make his own engagements.

**11 VAC 10-60-140. Exercise rider.**

A person shall submit an application to participate in horse racing as an exercise rider. If the applicant for a permit as an exercise rider is not employed by an owner or trainer or does not possess a similar permit from another jurisdiction, then the

stewards may, in their discretion, require the applicant to demonstrate his horsemanship before issuing a permit to the applicant. The exercise rider shall wear a protective helmet and a safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association when exercising horses.

**11 VAC 10-60-150. Pony rider.**

A person shall submit an application to participate in horse racing as a pony rider. If the applicant for a permit as a pony rider is not in possession of a similar permit from another jurisdiction, then the stewards may, in their discretion, require the applicant to demonstrate his horsemanship before issuing a permit to the applicant. The pony rider shall wear a protective helmet ,a safety vest which meets the minimum specifications as defined by the British Equestrian Trade Association, and attire prescribed by the licensee. The attire shall be neat, clean and in good repair.

**11 VAC 10-60-160. Farrier.**

A person shall submit an application to participate in horse racing as a farrier. If the applicant for a permit as a farrier does not possess a similar permit from another jurisdiction, then the stewards may, in their discretion, require the applicant to demonstrate his skill under the supervision of the commission veterinarian and an experienced farrier before issuing a permit.

**11 VAC 10-60-170. Driver.**

A person shall submit an application to participate in horse racing as a driver of Standardbreds. The person shall meet all of the requirements set forth in these regulations pertaining to holders of permits, and hold a currently valid provisional or full license as a driver from the United States Trotting Association. The following provisions shall apply to drivers:

1. A driver may be required to take a physical examination from a physician appointed by the stewards to establish that the person is physically fit to safely drive in races;

2. A driver may be required to take an eye examination from a physician appointed by the stewards to establish that the person has eyesight sufficient to safely drive in races;

3. A driver shall wear attire as prescribed by the stewards, including racing colors registered with the United States Trotting Association and a protective helmet, approved by the Snell Foundation or United States Department of Transportation, with the chin strap in place, on the racing surface during racing hours;

4. A driver shall report to the paddock judge, at a time prescribed by the stewards, on those days he has a driving engagement;

5. A driver, once he has reported to the paddock judge, may leave the paddock only to warmup or drive horses in races and may not leave the paddock until his participation in the program is completed;

6. A driver shall fulfill his engagements, and, if he is removed from driving a horse in a race, he shall not drive another horse in the same race; and

7. A driver shall not refuse to be substituted by the stewards without good and sufficient reason.

**11 VAC 10-60-180. Mutuel clerk.**

The licensee shall employ a sufficient number of qualified persons to act as mutuel clerks for the race meeting. A mutuel clerk shall sell and cash valid pari-mutuel tickets under the supervision of the mutuel manager and report any unusual patterns in the wagering to the mutuel manager. The person shall submit an application for a permit, meet all of the requirements set forth in these regulations pertaining to holders of permits,

and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-190. Concessionaire/vendor.**

A person shall submit an application to participate in horse racing as a concessionaire or vendor. A concessionaire or vendor shall be considered any person selling goods or services, either personally or through employees or representatives, to other persons within the enclosure, whether the sales are made to the public or persons holding permits issued by the commission. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-200. Concessionaire/vendor employee.**

A person shall submit an application to participate in horse racing as an employee of a concessionaire or vendor. An employee of a concessionaire or vendor shall be considered a person who sells goods or services for his employer whether the sales are made to the public or persons holding permits issued by the commission. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-210. Licensee-administrative employee.**

A person shall submit an application to participate in horse racing as an administrative employee of the licensee. An administrative employee shall be considered any person employed in the administrative offices of the licensee who is not specifically mentioned elsewhere in these regulations. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.



**11 VAC 10-60-220. Licensee-marketing employee.**

A person shall submit an application to participate in horse racing as a marketing employee of the licensee. A marketing employee shall be considered as any person employed in marketing, promotion, public address announcing, publicity, information windows or public relations for the licensee. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-230. Licensee-medical employee.**

A person shall submit an application to participate in horse racing as a medical employee of the licensee. A medical employee of the licensee shall be considered as any person employed as a physician, nurse, para-medic, first-aid room attendant or ambulance driver. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-240. Licensee-operations employee.**

A person shall submit an application to participate in horse racing as an operations employee of the licensee. An operations employee shall be considered as any person employed in admissions, parking, program sales, gift shop and as ushers, technicians or guides. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-250. Licensee-plant employee.**

A person shall submit an application to participate in horse racing as a plant employee of the licensee. A plant employee shall be considered as any person employed in maintenance and repair of structure, grounds, or racing surface of the facility. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-260. Licensee-staff employee.**

A person shall submit an application to participate in horse racing as a staff employee of the licensee. A staff employee shall be considered as any person employed as a secretary, receptionist or any other capacity on the licensee's staff. A person shall submit an application for the appropriate permit, meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-270. Other.**

A person shall submit an application to participate in horse racing as an employee of another permit holder, vendor or licensee, not stated elsewhere in these regulations. The employer shall notify the stewards, in writing, of the employment of the person. The person shall meet all of the requirements set forth in these regulations pertaining to holders of permits, and his participation shall be in accordance with the provisions of these regulations.

**11 VAC 10-60-280. Independent contractors.**

These regulations, which are applicable to persons employed by the licensee in various categories, are equally applicable to persons employed as independent contractors retained by the licensee.

**11 VAC 10-60-290. Clocker.**

A person shall submit an application to participate in horse racing as a clocker for flat race meetings. The clocker shall be present as his assigned location at the opening of training hours and remain there until training hours are concluded. The clockers shall keep a listing of the name of each horse working out, distance, time, manner in which the workout was accomplished, condition of the racing surface, and any other information deemed appropriate. At the conclusion of training hours, the clocker shall submit the listing to the stewards, racing secretary and any other personnel deemed appropriate.

**11 VAC 10-60-300. Gap attendant.**

A person shall submit an application to participate in horse racing as a gap attendant for flat race meetings. The gap attendant shall be present at his assigned location at the opening of training hours each morning and remain there until training hours are concluded. The gap attendant shall obtain the name of each horse working out, distance, and the starting point and finishing points of the workout, and report this information to the clocker. The gap attendant shall report to the stewards any exercise rider or trainer who refuses to supply this information.

**11 VAC 10-60-310. Stall superintendent.**

A person shall submit an application to participate in horse racing as a stall superintendent. The stall superintendent shall assist the racing secretary in seeing that the horses are quartered in their assigned stalls, establish a system where horses may not leave or enter the stabling area without the racing secretary's permission, and ensure that the stabling area is maintained in a clean, neat and sanitary condition.

**11 VAC 10-60-320. Track superintendent.**

A person shall submit an application to participate in horse racing as a track superintendent. The track superintendent shall [be] (i) [be]responsible [~~for the maintenance of maintaining~~] the racing surfaces in a safe and humane condition [~~;~~ and] (ii)

keep written records of the maintenance done on the racing surfaces and present the written records for inspection upon the request of stewards or commission [~~and (iii) keep the necessary equipment and personnel to maintain the racing surfaces in a safe and humane condition~~].

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

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William H. Anderson  
Policy Analyst  
Virginia Racing Commission

Date: June 6, 2000