

# Oklahoma Horse Racing Commission

## Excerpt from Oklahoma Statutes

### Chapter 2 - Horse Racing

#### Oklahoma Horse Racing Act

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

##### **Section 200 - Short Title** Cite as: O.S. §, \_\_ \_\_

Sections 1 through 35 of this act and Section [209](#) of Title 3A of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Horse Racing Act".

##### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 1, emerg. eff. March 22, 1983.

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

##### **Section 200.1 - Definitions** Cite as: O.S. §, \_\_ \_\_

A. As used in the Oklahoma Horse Racing Act:

1. "Commission" means the Oklahoma Horse Racing Commission;
2. "Enclosure" means all buildings, structures and grounds utilized for the conduct of a race meeting and/or gaming at the race track and any additional areas designated by the Oklahoma Horse Racing Commission;
3. "Family" means husband, wife, and any dependent children;
4. "Financial interest" means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a

result of ownership or interest in a business entity, or as a result of salary, gratuity, or other compensation or remuneration from any person;

5. "Horse racing" means any type of horse racing, including, but not limited to, Arabian, Appaloosa, Paint, Pinto, Quarter Horse, and Thoroughbred horse racing.

a. "Arabian horse racing" means the form of horse racing in which each participating horse is an Arabian horse registered with the Arabian Horse Club Registry of America and approved by the Arabian Horse Racing Association of America or any successor organization, mounted by a jockey, and engaged in races on the flat over a distance of not less than one-quarter (1/4) mile or more than four (4) miles.

b. "Appaloosa horse racing" means the form of horse racing in which each participating horse is an Appaloosa horse registered with the Appaloosa Horse Club or any successor organization and mounted by a jockey.

c. "Quarter Horse racing" means the form of horse racing where each participating horse is a Quarter Horse registered with the American Quarter Horse Association or any successor organization, mounted by a jockey, and engaged in a race on the flat.

d. "Paint horse racing" means the form of horse racing in which each participating horse is a Paint horse registered with the American Paint Horse Association or any successor organization and mounted by a jockey.

e. "Pinto horse racing" means the form of horse racing in which each participating horse is a Pinto horse registered with the Pinto Horse Association of America, Inc. or any successor organization and mounted by a jockey.

f. "Thoroughbred horse racing" means the form of horse racing in which each participating horse is a Thoroughbred horse registered with the Jockey Club or any successor organization, mounted by a jockey, and engaged in races on the flat.

"Horse racing" shall not mean the racing of a cloned horse or offspring of a cloned horse regardless of whether any breed association has registered the horse;

6. "Minor" means any individual under eighteen (18) years of age;

7. "Minus pool" means a pari-mutuel pool in which, after deducting the take-out, not enough money remains in the pool to pay the legally prescribed minimum return to those placing winning wagers, and in which the organization licensee would be required to pay the remaining amount due;

8. "Occupation licensee" means any person who has obtained an occupation license;

9. "Organization licensee" means any person receiving an organization license;

10. "Pari-mutuel system of wagering" means a form of wagering on the outcome of horse races in which those who wager purchase wagers of various denominations on a horse or horses and all wagers for each race are pooled and held by the organization licensee for distribution. The pari-mutuel system of wagering uses an electric totalizator or similar equipment which automatically registers the wagers made on each horse;

11. "Pari-mutuel pool" means the total money wagered by individuals on any horse or horses in a particular horse race to win, place, or show and held by the organization licensee pursuant to the pari-mutuel system of wagering. There is a separate pari-mutuel pool for win, for place, for show, and for each multiple combination of betting approved by the Oklahoma Horse Racing Commission;

12. "Person" means any individual, partnership, corporation, or other association or entity; and

13. "Race meeting" means the entire period of time not to exceed twenty (20) calendar days separating any race days for which an organization license has been granted to a person by the Commission to hold horse races at which the pari-mutuel system of wagering is conducted, to hold non-pari-mutuel horse races or to conduct accredited work or training races.


B. The Commission may define by rule or regulation any term which is not defined in the Oklahoma Horse Racing Act.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 2, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 1, emerg. eff. June 26, 1985; Amended by Laws 1986, SB 511, c. 223, § 10, emerg. eff. July 1, 1986; Amended by Laws 1987, SB 61, c. 208, § 69, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1473, c. 236, § 88, emerg. eff. July 20, 1987; Amended by Laws 1988, SB 398, c. 210, § 5, emerg. eff. July 1, 1988; Amended by Laws 1991, HB 1261, c. 269, § 6, emerg. eff. July 1, 1991; Amended by Laws 1992, SB 935, c. 364, § 14, emerg. eff. July 1, 1992 ([superseded document available](#)); Amended by Laws 2004, HB 2416, c. 517, § 1, emerg. eff. June 9, 2004; Amended by Laws 2006, SB 1058, c. 177, § 1, emerg. eff. May 23, 2006 (repealed by Laws 2007, HB 2195, c. 1, § 2, emerg. eff. February 22, 2007) ([superseded document available](#)); Amended by Laws 2006, SB 1399, c. 274, § 1, emerg. eff. June 7, 2006 ([superseded document available](#)); Amended by Laws 2007, HB 2195, c. 1, § 1, emerg. eff. February 22, 2007 ([superseded document available](#));

Amended by Laws 2009, SB 694, c. 49, § 1, eff. November 1, 2009  
([superseded document available](#)).

## Oklahoma Statutes Citationized Title 3A.Amusements and Sports

Chapter 2 - Horse Racing Oklahoma Horse Racing Act   
Section 201 - Oklahoma Horse Racing Commission - Creation -  
Eligibility and Removal Cite as: O.S. §, \_\_ \_\_

A. There is hereby created the Oklahoma Horse Racing Commission, which shall consist of nine (9) members appointed by the Governor with the advice and consent of the Senate. At least one member shall be appointed from each congressional district, and at least three of the remaining members shall be experienced in the horse industry and shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office, and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts is represented by a board member.

B. To be eligible for appointment to the Commission, a person shall:

1. Be a citizen of the United States;
2. Have been a resident of this state for five (5) years immediately preceding the appointment; and
3. Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States as established by a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

C. The term of office of a member of the Commission shall be for six (6) years and until a successor is appointed and qualified.

D. The Governor may remove any member of the Commission for incompetence, neglect of duty, or malfeasance in office upon first giving the member a copy of the charges and an opportunity to be heard. A vacancy on the Commission shall be filled for the unexpired term by appointment made by the Governor.

***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 3, emerg. eff. March 22, 1983; Amended by Laws 1992, SB 935, c. 364, § 3, emerg. eff. June 4, 1992 ([superseded document available](#)); Amended by Laws 2002, c. 375, § 2, eff. November 5, 2002; Amended by Laws 2003, HB 1469, c. 204, § 1, eff. November 1, 2003; Amended by Laws 2005, SB 738, c. 217, § 1, emerg. eff. May 24, 2005 ([superseded document available](#)); Amended by Laws 2006, SB 1058, c. 177, § 2, emerg. eff. May 23, 2006 ([superseded document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

#### **Section 202 - Conflicts of Interest** Cite as: O.S. §, \_\_ \_\_

No individual shall be a member of the Commission if the individual or a member of the family of the individual has a financial interest in any organization licensee and no individual other than an individual required by the provisions of Section 201 of this title to be experienced in the horse industry shall be a member of the Commission if the individual or a member of the family of the individual has a financial interest in any business entity which does business with any organization licensee or owns an interest in any racehorse which participates in any race meeting supervised by the Commission.

#### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 4, emerg. eff. March 22, 1983; Amended by Laws 2005, SB 738, c. 217, § 2, emerg. eff. May 24, 2005 ([superseded document available](#)).

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## Title 3A. Amusements and Sports

Chapter 2 - Horse Racing      Oklahoma Horse Racing Act

Section 203 - Commission Meetings - Officers - Attorney General -  
Compensation Cite as: O.S. §, \_\_ \_\_

A. The Commission shall meet at such times and places within this state as the Commission determines. The members of the Commission shall annually elect a chairman, vice-chairman, and secretary from the membership of the Commission. No member of the Commission shall serve more than two (2) successive terms as chairman. A majority of the members shall constitute a quorum.

B. The proceedings of all meetings of the Commission shall comply with the provisions of the Oklahoma Open Meeting Act.

C. The Attorney General shall advise the Commission and represent it in all legal proceedings or actions resulting from the exercise of the powers and duties of the Commission pursuant to the provisions of the Oklahoma Horse Racing Act; however, nothing in this section shall be construed to prohibit the Commission from engaging private counsel if they deem it necessary to protect the integrity of horse racing in Oklahoma.

D. Each member of the Commission shall receive Fifty Dollars (\$50.00) for each day spent in the actual discharge of duties for the Commission. All members of the Commission shall be reimbursed for expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act.

### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 5, emerg. eff. March 22, 1983.

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## Oklahoma Statutes Citationized Title 3A. Amusements and Sports

Chapter 2 - Horse Racing - Oklahoma Horse Racing Act

Section 203.1 - Prohibited Activities for Commission Members Cite as:



O.S. §, \_\_ \_\_

A. A member of the Oklahoma Horse Racing Commission shall not accept any gift, loan, entertainment or favor from any occupation or organization licensee, except such suitable facilities and services within the enclosure of an organization licensee as may be required by the member to facilitate the proper performance of his or her duties. A member of the Oklahoma Horse Racing Commission, other than a member required by the provisions of Section 201 of this title to be experienced in the horse industry, shall not accept any compensation or service from any occupation or organization licensee, except such suitable facilities and services within the enclosure of an organization licensee as may be required by the member to facilitate the proper performance of his or her duties.

B. No member of the Commission or Commission employee shall place any wagers on any horse race over which the Commission has jurisdiction.

C. Members of the Commission and members of their immediate families, and Commission employees and members of their immediate families are prohibited from receiving purse supplements, stakes, rewards, stallion awards, broodmare awards, or breeders awards of any kind, or marketing, promotion, or advertising monies of any kind from the Oklahoma Breeding Development Fund Special Account administered by the Commission pursuant to Section 208.3 of this title. "Immediate family" has the meaning provided by Rule 257:1-1-2 of the Rules of the Ethics Commission, Chapter 62, App. of Title 74 of the Oklahoma Statutes.

D. Nothing in this section shall prohibit members of the Commission, who are required by the provisions of Section 201 of this title to be experienced in the horse industry, from receiving purses for participating horses from an organization licensee.

E. Provided, any member of the Commission who has an ownership interest in any horse shall be prohibited from participating in the discussion on, voting on, influencing or attempting to influence the official action of the Commission in any matter affecting the eligibility of such horse to participate in any race or which determines the amount or receipt of any purse by the Commission member or any member of the family of the Commission member. A commissioner shall be eligible to participate in the discussion on, vote on, influence or attempt to influence the official action of the Commission if the only benefit to accrue to the Commissioner or any member of the Commissioner's family is a benefit which accrues to the Commissioner or a member of the Commissioner's family as a result of being a member of a large class to no greater extent than could reasonably be foreseen to accrue to all other members of the large class.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 6, emerg. eff. March 22, 1983; Amended by Laws 1998, SB 1042, c. 370, § 1, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2005, SB 738, c. 217, § 3, emerg. eff. May 24, 2005 ([superseded document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 203.1 - Prohibited Activities for Commission Members** Cite as:

O.S. §, \_\_ \_\_

A. A member of the Oklahoma Horse Racing Commission shall not accept any gift, loan, entertainment or favor from any occupation or organization licensee, except such suitable facilities and services within the enclosure of an organization licensee as may be required by the member to facilitate the proper performance of his or her duties. A member of the Oklahoma Horse Racing Commission, other than a member required by the provisions of Section 201 of this title to be experienced in the horse industry, shall not accept any compensation or service from any occupation or organization licensee, except such suitable facilities and services within the enclosure of an organization licensee as may be required by the member to facilitate the proper performance of his or her duties.

B. No member of the Commission or Commission employee shall place any wagers on any horse race over which the Commission has jurisdiction.

C. Members of the Commission and members of their immediate families, and Commission employees and members of their immediate families are prohibited from receiving purse supplements, stakes, rewards, stallion awards, broodmare awards, or breeders awards of any kind, or marketing, promotion, or advertising monies of any kind from the Oklahoma Breeding Development Fund Special Account administered by the Commission pursuant to Section 208.3 of this title. "Immediate family" has the meaning provided by Rule 257:1-1-2 of the Rules of the Ethics Commission, Chapter 62, App. of Title 74 of the Oklahoma Statutes.

D. Nothing in this section shall prohibit members of the Commission, who are required by the provisions of Section 201 of this title to be experienced in the horse industry, from receiving purses for participating horses from an organization licensee.

E. Provided, any member of the Commission who has an ownership interest in any horse shall be prohibited from participating in the discussion on, voting on, influencing or attempting to influence the official action of the Commission in any matter affecting the eligibility of such horse to participate in any race or which determines the amount or receipt of any purse by the Commission member or any member of the family of the Commission member. A commissioner shall be eligible to participate in the discussion on, vote on, influence or attempt to influence the official action of the Commission if the only benefit to accrue to the Commissioner or any member of the Commissioner's family is a benefit which accrues to the Commissioner or a member of the Commissioner's family as a result of being a member of a large class to no greater extent than could reasonably be foreseen to accrue to all other members of the large class.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 6, emerg. eff. March 22, 1983; Amended by Laws 1998, SB 1042, c. 370, § 1, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2005, SB 738, c. 217, § 3, emerg. eff. May 24, 2005 ([superseded document available](#)).

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

#### **Section 203.2 - Advisory Council and Task Forces** Cite as: O.S. §, \_\_\_

The Commission is hereby authorized to appoint such advisory councils and task forces as it deems necessary for counsel and advice concerning the formulation and administration of the rules of racing and the administration of the programs authorized by the provisions of the Oklahoma Horse Racing Act.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 7, emerg. eff. March 22, 1983.

# Oklahoma Statutes Citationized

## Title 3A. Amusements and Sports

**Chapter 2 - Horse Racing      Oklahoma Horse Racing Act      Section 203.3 - Executive Director - Duties, Qualifications, and Compensation - Equal Opportunity Plan - Law Enforcement - Surety Bond** Cite as: O.S. §, \_\_ \_\_

A. The Oklahoma Horse Racing Commission shall appoint an executive director who shall have the same qualifications as a member of the Commission. The qualification regarding the residency requirement for Commission members shall not apply to the executive director. The executive director shall have experience in the horse racing industry of a character and for a length of time sufficient, in the opinion of the Commission, to fulfill the duties required of the executive director. The Commission shall determine the duties and compensation of the executive director.

B. The executive director shall recommend to the Commission the administrative organization and the number and qualifications of employees necessary without regard to race, color, gender, creed or national origin, to implement the provisions of the Oklahoma Horse Racing Act. A written equal opportunity plan will be developed for the Commission, by the executive director as part of the organizational plan. Upon approval of the organizational plan by the Commission, the executive director may employ such persons as are deemed necessary to implement the provisions of the Oklahoma Horse Racing Act.

C. 1. The organizational plan adopted by the Commission shall provide for a law enforcement division which shall have the responsibility for conducting investigations relating to the proper conduct of horse racing and the pari-mutuel system of wagering including but not limited to barring undesirables from horse racing, undercover investigations, fingerprinting persons licensed by the Commission, and reviewing license applications. The person in charge of the law enforcement division shall be a professional law enforcement officer with a minimum of five (5) years of experience in the field of law enforcement and a graduate of a four-year college with a degree in law enforcement administration, law, criminology or a related science, or in lieu thereof a minimum of ten (10) years of experience in the field of law enforcement.

2. The officers and agents of the law enforcement division of the Commission, and such other employees as the person in charge of said division shall designate to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of the state, shall have and exercise all the powers and authority of peace officers,

including the right and power of search and seizure.

3. The Oklahoma State Bureau of Investigation shall provide such information within its possession as is requested by the law enforcement division of the Commission for the purpose of reviewing license applications.

4. If upon investigation by the Commission there is substantial evidence indicating that the security at any track is not satisfactory, the Commission may order the organization licensee to remedy the deficiency. If after ten (10) days following the order the organization licensee has not remedied the deficiency, the Commission may institute its own security personnel program until the deficiency in security is remedied, and may charge the organization licensee the actual costs incurred for said security. The organization licensee may petition the Commission for a hearing at any time to review the necessity of the Commission further maintaining its own security personnel.

5. The provisions of this subsection shall not be construed to restrict or prohibit any federal, state, or local law enforcement officer from performing any duties imposed upon the law enforcement officer by law.

6. The executive director is authorized to purchase and maintain motor vehicles, to authorize the purchase and issuance of uniforms for all law enforcement officers within the law enforcement division of the Oklahoma Horse Racing Commission and to purchase and issue necessary equipment for all employees of the Commission. All uniforms and equipment shall be used only in the performance of the official duties of the law enforcement officers and other personnel of the Oklahoma Horse Racing Commission as designated by the executive director and shall remain the property of the Oklahoma Horse Racing Commission.

D. The executive director shall obtain a surety bond in the amount of One Hundred Thousand Dollars (\$100,000.00) before entering into the duties of the office. The surety bond shall be conditioned upon the faithful performance of the duties of the executive director and the proper accounting of all moneys and property received by the executive director by virtue of the office. The cost of the surety bond shall be paid by the Commission.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 8, emerg. eff. March 22, 1983; Amended by Laws 2014, HB 2531, c. 380, § 1, eff. November 1, 2014 ([superseded](#))

[document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

#### **Section 203.4 - Duties - Chief and Assistant Stewards and Other Employees - Compensation** Cite as: O.S. §, \_\_\_ \_\_

A. At each pari-mutuel race meeting held pursuant to the provisions of the Oklahoma Horse Racing Act the Oklahoma Horse Racing Commission shall employ three individuals to be stewards. At non-pari-mutuel race meetings and for training races, the organization licensee may employ its own stewards in accordance with the rules of the American Quarter Horse Association or have the Commission employ the stewards as provided in this subsection. The Commission shall designate one of the individuals as chief steward and the other two individuals as assistant stewards. If employed by the Commission, the compensation of the stewards, including but not limited to salaries, benefits and other reimbursable expenses as determined by the Commission, shall be paid by the Commission.

B. All other racing personnel shall be employed for race meetings as the Commission deems necessary. All other racing personnel required by the Commission at non-pari-mutuel race meetings or training races may be employed by the organization licensee in accordance with the rules of the American Quarter Horse Association. The compensation of racing personnel employed by the Commission, including but not limited to salaries, benefits and reimbursable expenses, shall be paid by the Commission.

C. The stewards and other racing officials at pari-mutuel race meetings, at non-pari-mutuel race meetings and at training races shall enforce the rules and regulations of the Commission and the provisions of the Oklahoma Horse Racing Act in the manner provided by law and shall render written reports of the activities and conduct of the race meetings to the Commission. In enforcing the rules of the Commission and officiating at races, the stewards shall not be required to comply with provisions of the Oklahoma Open Meeting Act but shall be required to comply with applicable provisions of the Administrative Procedures Act.

#### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 9, emerg. eff. March 22, 1983; Amended by Laws 1986, SB 511, c. 223, § 11, emerg. eff. July 1, 1986; Amended by Laws 1991, HB 1261, c. 269, § 7, emerg. eff. July 1, 1991; Amended by Laws 1992, SB 862, c. 16, § 2, emerg. eff. March 26, 1992; Amended by Laws 1997, SB 24, c. 305, § 1, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 1998, SB 1042, c. 370, § 2, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 1999, HB 1097, c. 297, § 1, emerg. eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 2001, HB 1246, c. 145, § 1, emerg. eff. July 1, 2001 ([superseded document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 203.5 - Stewards - Examination Requirements and**

#### **Licenses** Cite as: O.S. §, \_\_\_ \_\_

A. The Commission shall require applicants for a license as a steward to pass an examination on matters relating to the duties of stewards. Examinations shall be held at such times and places as may be determined by the Commission. Notice of the times and places of the examinations shall be given as determined by the Commission. The Commission shall prepare both written and oral examinations to be taken by persons applying for qualification as stewards, requesting and taking into consideration suggestions from representatives of horsemen, organization licensees, stewards, and other interested and knowledgeable groups. The written examinations may be administered by members of the Commission staff. Oral examinations shall be conducted by an oral examination panel to include at least two Commission members.

B. The Commission may examine any person who:

1. has not been convicted of a crime involving moral turpitude or of a felony; and
2. has completed an accredited senior high school or its equivalent; and
3. has been given a physical examination by a licensed physician within sixty (60) days prior to the date of application for the steward's examination, indicating at least 20-20 vision or vision corrected to at least 20-20, and normal hearing ability; and
4. has one of the following:
  - a. at least five (5) years of experience in the pari-mutuel horse racing industry as a licensed trainer, or jockey.
  - b. at least ten (10) years of experience in the pari-mutuel horse racing

industry as a licensed owner whose experience, knowledge, ability, and integrity relative to the industry are known to the Commission.

c. at least three (3) years of experience as a licensed racing official, racing secretary, assistant racing secretary, or director of racing.

d. experience in the horse racing industry of a character and for a length of time sufficient, in the opinion of the Commission, to be substantially equivalent to the requirements of subparagraphs a, b, or c of this paragraph.

5. A steward shall have the same restrictions and qualifications as a member of the Commission as listed in Section [202](#).

C. For the purpose of paragraph 4 of subsection B of this section, one (1) year of experience shall mean at least one hundred (100) days actually worked within one (1) calendar year. An original license for a steward issued pursuant to the provisions of the Oklahoma Horse Racing Act shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period not to exceed three (3) years, which the Commission may establish by regulation. The Commission may establish a license fee schedule consistent with the different periods for which such licenses may be granted. The license shall be valid at all race meetings in this state during the period for which it is issued, unless it is suspended or revoked prior to the expiration of such period.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 10, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 2, emerg. eff. July 1, 1985.

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### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 203.6 - Subpoenas - Failure to Appear and False**

#### **Testimony** Cite as: O.S. §, \_\_ \_\_

A. The Commission, its executive director, or the stewards may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith.



B. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a misdemeanor.

C. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the Commission, its executive director, or the stewards, upon conviction, shall be guilty of a felony shall be punished in the same manner prescribed for the punishment of perjury.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 11, emerg. eff. March 22, 1983; Amended by Laws 1990, HB 2152, c. 275, § 1, emerg. eff. May 25, 1990; Amended by Laws 1997, HB 1213, c. 133, § 111 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 44, emerg. eff. July 1, 1999 ([superseded document available](#)).

### ***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 203.7 - Purpose and Intent of Act** Cite as: O.S. §, \_\_\_

In the interest of the public health, safety, and welfare, it is hereby declared to be the purpose and intent of the Oklahoma Horse Racing Act to vest in the Commission plenary power to promulgate rules and regulations for the forceful control of race meetings held in this state. The rules and regulations shall:

1. encourage agriculture and the breeding of horses in this state; and
2. maintain race meetings held in this state of the highest quality and free of any horse racing practices which are corrupt, incompetent, dishonest, or unprincipled; and
3. dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in this state; and
4. generate public revenues.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 12, emerg. eff. March 22, 1983.  
**Citationizer© Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**  
**Section 203.8 - Non-pari-mutual Tracks - Claims and Reimbursements** Cite as: O.S. §, \_\_ \_\_

Any non-pari-mutuel track, coming within the provisions of this act, shall pay, within thirty (30) days, any claims submitted by the Oklahoma Horse Racing Commission, to reimburse the Commission for any verified expenses incurred in administering this act. If such claims are not paid within the thirty-day period, the Commission may take such action as specified in subsection J of Section [205.2](#) of Title 3A of the Oklahoma Statutes.

#### ***Historical Data***

Laws 1992, SB 862, c. 16, § 1, emerg. eff. March 26, 1992.  
**Citationizer© Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      - Oklahoma Horse Racing Act**  
**Section 204 - Powers and Duties of the Commission** Cite as: O.S. §, \_\_ \_\_

- A. The Oklahoma Horse Racing Commission shall:
1. Have supervision of:
    - a. all race meetings held in this state; provided, for non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks jurisdiction of the Commission shall be limited to a period of time beginning twelve (12) hours before the commencement of the first race on a race day and ending four (4) hours after the finish of the last race on a race day,

- b. all occupation and organization licensees in this state, and
  - c. all persons on the property of an organization licensee; provided, for non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks supervision of such persons shall be limited to the period set out in subparagraph a of this paragraph;
2. Have the authority to promulgate rules for the purpose of administering the provisions of the Oklahoma Horse Racing Act;
  3. Administer and enforce the provisions of the Oklahoma Horse Racing Act and the rules of the Commission;
  4. Adjudicate controversies arising from the enforcement of the provisions of the Oklahoma Horse Racing Act and the rules and regulations of the Commission;
  5. Allocate racing days of not to exceed six (6) days per calendar week, dates, and hours which are in the best interests of the people of this state to organization licensees;
  6. Promulgate rules for the granting or refusing and the suspension or revoking of licenses;
  7. Promulgate rules for the holding, conducting, and operating of all race meetings held in this state; provided, the rules of the American Quarter Horse Association for regulation of the holding, conducting and operating of non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks shall serve as the rules for the holding, conducting and operating of non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks, except that appeals from decisions of the stewards shall be to the Commission, until such time as the Commission has promulgated substantially similar rules for regulation of the holding, conducting and operating of non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks;
  8. Have supervision and control of the pari-mutuel machines and all other equipment at all race meetings held in this state;
  9. Check the making of pari-mutuel pools and the distribution of such pools and shall:  
contract with the Office of the State Auditor and Inspector to conduct an annual audit and inspection of live race meets in this state, and reimburse the Office of the State Auditor and Inspector for the cost of these services;
  10. Promulgate rules governing:
    - a. bids on leases,
    - b. the rate charged by an organization licensee for admission to races, and
    - c. the rate charged for the performance of any service or for the sale of any article on the premises of an organization licensee;
  11. Approve all contracts and agreements for the payment of money and all salaries, fees, and compensations by any organization licensee;

12. Have the authority to exclude, or compel the exclusion, from any race meeting:

- a. any person who violates the provisions of any rule or order of the Commission or any law of this state, any other state, or the United States,
- b. any person who has been previously convicted of violating any law of this state, any other state, or the United States, or
- c. any other person, licensed or unlicensed, whose conduct or reputation is such that his or her presence at the race meeting may, in the opinion of the Commission reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of the race meeting. No person shall be excluded or ejected from a race meeting solely on the grounds of race, color, creed, sex, national origin, or ancestry;

13. Have investigatory powers and authority to place attendants and such other persons as may be deemed necessary by the Commission in the offices, on the tracks, or in places of business of any organization licensee for the purpose of determining whether an organization or occupation licensee is complying with the provisions of the Oklahoma Horse Racing Act and the rules of the Commission;

14. Have authority to acquire or contract with, or establish, maintain, and operate testing laboratories and related facilities for the purpose of conducting:

- a. human substance abuse testing on occupation licensees who may affect the outcome of race results. Human substance abuse tests and the laboratories performing such tests must meet the nationally recognized standards specified in the Mandatory Guidelines for Federal Workplace Drug Testing Programs adopted by the United States Department of Health and Human Services. The Commission may require any occupation licensee to submit to a human substance abuse test if the Commission has probable cause to believe that such licensee is possessing or using any controlled dangerous substance or any other drug in violation of any federal or state law. Provided, on and after July 1, 1994, such testing shall be in compliance with the provisions of the Standards for Workplace Drug and Alcohol Testing Act, and
- b. a saliva test, a blood test, a urine test, or other tests or combinations of tests on the horses run or to be run in any race meeting. Prior to the Commission entering into any contract pursuant to this paragraph, the Attorney General shall review and approve the contract. Any contract entered into pursuant to this paragraph shall contain the specifications that were in the request for bid for the contract;

15. Approve of all proposed construction on property owned or leased by an organization licensee;

16. Have authority to require that all financial, employment, or other records of an organization licensee shall be kept in such manner as

prescribed by the Commission and shall be subject to inspection by the Commission. The organization licensee shall submit to the Commission an annual balance sheet, profit-and-loss statement, and any other information the Commission deems necessary in order to administer the provisions of the Oklahoma Horse Racing Act;

17. Have the authority to suspend or revoke a license or impose fines in amounts not to exceed Ten Thousand Dollars (\$10,000.00) against individuals for each violation and in amounts not to exceed Twenty Thousand Dollars (\$20,000.00) against organization licensees for each violation of any provision of the Oklahoma Horse Racing Act, any rules adopted by the Commission, or any order of the Commission, or for any other action which, in the discretion of the Commission, is a detriment or impediment to horse racing or both such suspension or revocation and fine. Each day upon which such violation or other action by the organization licensee occurs shall constitute a separate offense;

18. Have authority to suspend a horse from participating in races if the horse has been involved in any violation of the rules promulgated by the Commission or the provisions of the Oklahoma Horse Racing Act; and

19. Prepare and submit an annual report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. The report shall include an account of the operations, actions, and orders of the Commission, and an accounting of all revenue received by the Commission.

B. 1. The Commission may delegate to stewards or the Executive Director, those of its powers and duties as it deems necessary to fully implement and effectuate the purposes of the Oklahoma Horse Racing Act.

2. The Commission, upon appeal or due consideration, may overrule any decision of a steward except decisions regarding disqualifications for interference during the running of a race if a preponderance of evidence indicates:

- a. the stewards mistakenly interpreted the law,
- b. new evidence of a convincing nature is produced, or
- c. the best interests of racing and the state may be better served.

3. Any decision pertaining to the finish of a race, as used for purposes of pari-mutuel pool distribution to winning ticket holders, may not be overruled. Any decision pertaining to the distribution of purses may be changed only if a claim is made in writing to the Commission by one of the involved owners or trainers, and a preponderance of evidence clearly indicates to the Commission that one or more of the grounds for protest, as provided for in the rules prepared by the Commission, has been substantiated.

### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 13, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 3, emerg. eff. July 1, 1985; Amended by Laws 1987, SB 61, c. 208, § 68, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1473, c. 236, § 87, emerg. eff. July 20, 1987; Amended by Laws 1989, HB 1637, c. 369, § 97, emerg. eff. July 1, 1989; Amended by Laws 1990, SB 559, c. 170, § 1, eff. September 1, 1990; Amended by Laws 1992, SB 862, c. 16, § 3, emerg. eff. March 26, 1992; Amended by Laws 1992, SB 935, c. 364, § 17, emerg. eff. June 4, 1992; Amended by Laws 1993, SB 143, c. 355, § 17, emerg. eff. June 10, 1993; Amended by Laws 1997, SB 24, c. 305, § 2, emerg. eff. July 1, 1997 ([superseded document available](#)).

**Citationizer© Summary of Documents Citing This Document**

## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports

#### Chapter 2 - Horse Racing - Oklahoma Horse Racing

**Act Section 204.1 - Repealed** Cite as: O.S. §, \_\_ \_\_

Repealed by Laws 1986, SB 511, c. 223, § 59, emerg. eff. July 1, 1986

**Historical Data**

Repealed by Laws 1986, SB 511, c. 223, § 59, emerg. eff. July 1, 1986.

**Citationizer© Summary of Documents Citing This Document**

## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports

#### Chapter 2 - Horse Racing - Oklahoma Horse Racing Act

**Section 204.1A - Repealed** Cite as: O.S. §, \_\_ \_\_

Repealed by Laws 2017, HB 1858, c. 116, § 8, emerg. eff. July 1, 2017

**Historical Data**

Laws 1986, SB 511, c. 223, § 9, emerg. eff. July 1, 1986; Repealed by Laws 2017, HB 1858, c. 116, § 8, emerg. eff. July 1, 2017 ([repealed document available](#)).

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

#### **Section 204.1B - Equine Drug Testing Revolving Fund** Cite as: O.S. §, \_\_

—

There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission, to be designated the "Equine Drug Testing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Horse Racing Commission, from appropriations made to the Commission for deposit in the fund and monies paid by organization licensees to the Commission pursuant to assessments made by the Commission for equine drug testing. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Horse Racing Commission for the purpose specified in paragraph 14 of subsection A of Section 204 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

#### ***Historical Data***

Laws 1989, HB 1637, c. 369, § 103, emerg. eff. July 1, 1989; Amended by Laws 2012, HB 3079, c. 304, § 22 ([superseded document available](#)).

*Citationizer© Summary of Documents Citing This Document*

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing - Oklahoma Horse Racing Act**

#### **Section 204.1C - Oklahoma Horse Racing Commission Operational Expenses Revolving Fund** Cite as: O.S. §, \_\_ \_\_

There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission to be designated as the "Oklahoma Horse Racing Commission Operational Expenses Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations or reconciliation, and shall consist of all monies received by the Oklahoma

Horse Racing Commission from revenues apportioned to the fund by Sections 205.6 and 263 of Title 3A of the Oklahoma Statutes, together with all monies from fines, fees, reimbursements, assessments and sale of materials which are collected or received by the Commission and all monies retained by the Commission under the provisions of Title 3A of the Oklahoma Statutes. All monies accrued to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission to pay the costs, both direct and indirect, of the Commission. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

***Historical Data***

Laws 2017, HB 1858, c. 116, § 1, emerg. eff. July 1, 2017.

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      Oklahoma Horse Racing  
Act      Section 204.1D - Use and Budget for Oklahoma Horse Racing  
Commission Operational Expenses Revolving Fund** Cite as: O.S. §, \_\_ \_\_

- A. The Oklahoma Horse Racing Commission Operational Expenses Revolving Fund shall be used to fund the operations of the Oklahoma Horse Racing Commission within the limits of the budget (Budget).
- B. The Budget for the initial fiscal year of this act shall be established by vote at a Commission meeting and shall not exceed Three Million Three Hundred Thousand Dollars (\$3,300,000.00). The Budget for subsequent years shall be established by vote at a Commission meeting and may be increased as follows: any amount equal to the initial fiscal year budget under this act multiplied by the percentage by which the CPI Index on January 1 of the budget year exceeds the CPI Index of the previous year; or by an amount agreed to by the organization licensees described in paragraphs 1 and 2 of subsection C of [Section 262 of Title 3A](#) of the Oklahoma Statutes and the official horsemen's representative organizations described in [Section 267 of Title 3A](#) of the Oklahoma Statutes by vote at a Commission meeting. "CPI" means the most recent all-items consumer price index for all-urban consumers for the United States City Average published by the United States Department of Labor. Consent to the increase in the budget amount for the Oklahoma Horse



Racing Commission by the organization licensees and the official horsemen's representative organizations authorized by this subsection may be communicated to the Oklahoma Horse Racing Commission either through a resolution of the governing board of each such licensee and each such representative organization or through a communication authorized to be made by the governing board of each such licensee and each such representative organization by a chief executive officer or authorized employee or authorized agent of the organization licensee or representative organization in such form and at such time as may be mutually agreeable to the Oklahoma Horse Racing Commission and the respective licensee or representative organization.

C. The Oklahoma Horse Racing Commission shall establish the percentage of adjusted gross gaming revenues necessary for providing adequate operational expenses (Operational Expenses Revolving Fund Retention Percentage) by vote at a Commission meeting. The Operational Expenses Revolving Fund Retention Percentage shall be no less than one-half of one percent (0.5%) and no more than three percent (3%) of adjusted gross gaming revenues, as outlined in subsections A through G of [Section 263 of Title 3A](#) of the Oklahoma Statutes. For any subsequent quarter of a year, the Commission may adjust the Operational Expenses Revolving Fund Retention Percentage by a vote at a Commission meeting in accordance with the budget limitations established herein. In establishing the Operational Expenses Revolving Fund Retention Percentage, the Commission must attempt to set the rate to meet the estimated operating needs for the budget year, such that funds are available for operations but funds in excess of operating needs are minimized.

### ***Historical Data***

Laws 2017, HB 1858, c. 116, § 2, emerg. eff. July 1, 2017.

***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 204.2 - Occupation License - Application Requirement and Fees - Grounds for Refusal, Suspension, or Revocation of License** Cite

as: O.S. §, \_\_ \_\_

A. The Oklahoma Horse Racing Commission shall issue occupation

licenses to horse owners, trainers, jockeys, agents, apprentices, grooms, exercise persons, veterinarians, valets, blacksmiths, concessionaires, stewards, starters, timers, judges, supervisors of mutuels, guards, and such other personnel designated by the Commission whose work, in whole or in part, is conducted upon racetrack grounds which are owned by an organization licensee. The licenses shall be obtained prior to the time such persons engage in their vocations upon such racetrack grounds at any time during the calendar year for which the organization license has been issued. No person required to be licensed pursuant to the provisions of this section may participate in any capacity in any race meeting without a valid license authorizing such participation.

B. Each application for an occupation license shall be on a form prescribed and furnished by the Commission and shall include a search waiver. The license shall be renewed either annually or triennially beginning January 1. The application shall be accompanied by a fee in an amount of not more than One Hundred Dollars (\$100.00) if renewed annually or not more than Three Hundred Dollars (\$300.00) if renewed triennially. Each application shall contain the following information concerning the applicant:

1. Full name and address;
2. Age;
3. Whether the applicant was issued any prior occupation license from this state;
4. Whether the applicant was issued any occupation license from another state;
5. Whether an occupation license from another state is or has been denied, suspended, or revoked;
6. Whether the applicant has been convicted of a felony in this state or any other state as established by a national criminal history record check as defined by [Section 150.9 of Title 74](#) of the Oklahoma Statutes; and
7. Such other information as required by the Commission.

C. The Commission may refuse an occupation license to any person:

1. Who has been convicted of a felony; or
2. Who has been convicted of violating any law regarding gambling or controlled dangerous substances of the United States, this state, or any other state; or
3. Who is unqualified to perform the duties required of the applicant; or
4. Who fails to disclose or states falsely any information required in the application; or
5. Who has been found guilty of a violation of any provision of the Oklahoma Horse Racing Act or of the rules and regulations of the Commission; or
6. Whose license has been suspended, revoked, or denied for just cause in any other state.

D. The Commission may suspend or revoke any occupation license or fine an occupation licensee for:

1. Violation of any of the provisions of the Oklahoma Horse Racing Act; or
2. Violation of any provision of the rules or regulations of the Commission; or
3. Any cause which, if known to the Commission, would have justified the refusal of the Commission to issue the occupation license; or
4. Any other just cause as determined by the Commission.

E. Of the original application fee for an occupation license, the amount of the fingerprinting fee shall be deposited in the OSBI Revolving Fund. The remainder shall be apportioned to the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund.

F. Notwithstanding any other provision of the Oklahoma Horse Racing Act, [Section 200 et seq.](#) of this title, licenses for personnel specified in subsection A of this section whose work is limited to racetrack grounds which are owned by an organization licensee which only conducts non-pari-mutuel race meetings or training races shall be issued pursuant to rules adopted by the Commission in accordance with the American Quarter Horse Association rules.

G. The Commission may promulgate rules to facilitate and promote uniform, reciprocal occupation licensing with other jurisdictions.

H. Nothing in the Oklahoma Horse Racing Act or rules promulgated pursuant thereto shall prohibit or be construed as prohibiting issuance of any occupation license solely because the applicant is an organizational licensee or racetrack owner or holds an interest in a racetrack.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 15, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 4, emerg. eff. July 1, 1985; Amended by Laws 1986, SB 511, c. 223, § 12, emerg. eff. July 1, 1986; Amended by Laws 1988, SB 398, c. 210, § 6, emerg. eff. July 1, 1988; Amended by Laws 1989, HB 1637, c. 369, § 908, emerg. eff. July 1, 1989; Amended by Laws 1992, SB 862, c. 16, § 4, emerg. eff. March 26, 1992; Amended by Laws 1999, HB 1196, c. 8, § 1, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2000, SB 1175, c. 238, § 1, emerg. eff. May 24, 2000 ([superseded document available](#)); Amended by Laws 2003, HB 1469, c. 204, § 2, eff. November 1, 2003 ([superseded document available](#)); Amended by Laws 2017, HB 1858, c. 116, § 3, emerg. eff. July 1, 2017 ([superseded document available](#)).

***Citationizer© Summary of Documents Citing This Document***

## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports

#### Chapter 2 - Horse Racing Oklahoma Horse Racing Act

#### Section 204.3 - Procedure for Suspension or Revocation of Occupation License at Race Meeting Cite as: O.S. §, \_\_ \_\_

A. The Commission or the stewards or the judges at a race meeting shall have the authority to revoke or suspend an occupation license. If the Commission revokes or suspends an occupation license, or a steward or the judges at any race meeting suspend an occupation license, the occupation license of the person shall remain suspended or revoked until the final determination has been made pursuant to the provisions of Sections [301](#) through [326 of Title 75](#) of the Oklahoma Statutes.

B. The Commission or the stewards or the judges at a race meeting may summarily suspend an occupation license pending further proceedings pursuant to the provisions of Sections [301](#) through [326 of Title 75](#) of the Oklahoma Statutes. Such proceedings shall be promptly instituted.

#### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 16, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 5, emerg. eff. July 1, 1985.

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## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports Chapter 2 - Horse Racing Oklahoma Horse Racing Act

#### Section 205 - License Requirement - Violations - Penalties Cite as: O.S. §, \_\_ \_\_

A. No person shall conduct a horse race where the public is charged any type of fee for admission, parking, or to race a horse without a valid organization license issued pursuant to the provisions of the Oklahoma Horse Racing Act.

B. Any person violating the provision of this section, upon conviction, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

#### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 17, emerg. eff. March 22, 1983; Amended by Laws 2006, SB 1399, c. 274, § 2, emerg. eff. June 6, 2006 ([superseded document available](#)).

**Citationizer® Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.1 - Race Meeting Organization License Requirements - No Silent or Undisclosed Entity** Cite as: O.S. §, \_\_\_ \_\_

- A. Any person desiring to conduct a race meeting may apply to the Commission for an organization license. The application shall be made on a form prescribed and furnished by the Commission and shall include a search waiver. The application shall contain the following information:
1. the dates on which the applicant intends to conduct the race meeting; and
  2. the hours of each racing day between which the applicant intends to conduct horse racing at such meeting; and
  3. the location where the applicant proposes to conduct the race meeting; and
  4. the name and mailing address of the person, association, or corporation making the application; and
  5. if the applicant is a corporation:
    - a. a certified copy of the articles of incorporation and bylaws, and
    - b. the names and mailing addresses of all stockholders who own at least three percent (3%) of the total stock issued by the corporation, officers, and directors and the number of shares of stock owned by each; and
  6. if the applicant is a partnership:
    - a. a copy of the partnership agreement, and
    - b. the names and mailing addresses of all general and limited partners with a statement of their respective interest in the partnership; and
  7. any other information the Commission may require.
- B. A separate application shall be filed for each race meeting which such person proposes to conduct. The application:
1. if made by an individual, shall be signed and verified under oath by the individual; and
  2. if made by more than one individual or by a partnership, shall be signed and verified under oath by at least two of the individuals or members of the

partnership; and

3. if made by an association, a corporation, or any other entity, shall be signed by the president, attested to by the secretary under the seal of such association or corporation if it has a seal, and verified under oath by one of the signing officers.

C. No person shall own any silent or undisclosed interest in any entity requesting an organization license.

D. No organization license shall be issued to any applicant that fails to comply with the provisions of this section.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 18, emerg. eff. March 22, 1983.

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.2 - Organization License - Fees - Issuance - Racing Days**

#### **Allocation - Bond - Citizenship and Residency - Revocation of**

#### **License - Disposition of Fees** Cite as: O.S. §, \_\_ \_\_

A. Applications for organization licenses must be filed with the Commission at a time and place prescribed by the rules and regulations of the Commission. Beginning with organization license applications for the 1994 calendar year, the Commission shall develop and use separate application forms for applicants requesting an organization license to conduct horse racing with the pari-mutuel system of wagering and applicants requesting an organization license to conduct horse racing without the pari-mutuel system of wagering. For use for the 1993 calendar year organization licenses, an applicant requesting to conduct horse racing without the pari-mutuel system of wagering shall make application with the Commission on American Quarter Horse Association application forms. Applications for an organization license to conduct horse racing without the pari-mutuel system of wagering for the 1993 calendar year shall be filed with the Commission on or before the 1st day of August, 1992. Each applicant requesting an organization license to conduct horse racing with the pari-mutuel system of wagering shall include with each application a nonrefundable license fee equal to the sum of Five Thousand Dollars

(\$5,000.00) for each race meeting and Two Hundred Dollars (\$200.00) for each racing day requested. Provided, the fee for Five Thousand Dollars (\$5,000.00) shall be waived for applicants applying pursuant to the provisions of [Section 208.2](#) of this title. Each applicant requesting an organization license to conduct horse racing without the pari-mutuel system of wagering or to conduct accredited work or training races shall include with each application a nonrefundable license fee of Five Hundred Dollars (\$500.00) for each race meeting. Such fee shall be in the form of a certified check or bank draft payable to the order of the Commission. Within thirty (30) days after the date specified for filing, the Commission shall examine the applications for compliance with the provisions of the Oklahoma Horse Racing Act and such rules and regulations as may be promulgated by the Commission. If any application does not comply with the provisions of the Oklahoma Horse Racing Act or the rules and regulations promulgated by the Commission, the application may be rejected or the Commission may direct the applicant to comply with the provisions of the Oklahoma Horse Racing Act or the rules and regulations of the Commission within a reasonable time as determined by the Commission. Upon proof by the applicant of compliance, the Commission may reconsider the application. If it is found to be in compliance with the provisions of the Oklahoma Horse Racing Act and the rules and regulations of the Commission, the Commission may then issue an organization license to the applicant.

B. The Commission may exercise discretion in the issuing of organization licenses to qualified applicants. The Commission may also determine and grant racing dates different from those requested by the applicants in their applications.

C. The Commission may determine and grant the number of racing days to be allotted to each applicant. When granting organization licenses and allocating dates for race meetings which will, in the judgment of the Commission, be conducive to the best interests of the public and the sport of horse racing, the Commission shall give consideration to:

1. The character, reputation, experience, and financial integrity of each applicant and of any other person that:
  - a. directly or indirectly controls such applicant, or
  - b. is directly or indirectly controlled by such applicant or by a person who directly or indirectly controls such applicant; and
2. The facilities and accommodations of the applicant for the conduct of race meetings; and
3. The location of the race meeting of the applicant in relation to the principal centers of population of this state; and
4. The highest prospective total revenue to be derived by the state from the conduct of the race meeting.

D. Prior to the issuance of an organization license to conduct pari-mutuel race meetings, the applicant shall file with the Commission a bond payable to the State of Oklahoma in an amount determined by the Commission which is not less than Two Hundred Thousand Dollars (\$200,000.00) and not more than the total financial liability of the organization licensee throughout the race meeting for which the organization license is requested, executed by the applicant and a surety company or companies authorized to do business in this state, and conditioned upon the payment by the organization licensee of all taxes and other monies due and payable pursuant to the provisions of the Oklahoma Horse Racing Act and all purses due and payable, and upon the fact that, upon presentation of winning tickets, the organization licensee will distribute all sums due to the patrons of pari-mutuel pools. The financial liabilities incurred by the organization licensee in the form of real estate mortgages shall not be included in the determination of the bond amount.

E. The Commission shall notify each applicant of the racing dates allotted to such applicant. The notice shall be in writing and sent by registered mail to the applicant at the address stated in the application. The notice shall be mailed within two (2) business days of the date the allotment is made. After the mailing of such notice of allotment, each applicant shall file with the Commission within ten (10) days an acceptance of such allotment on a form prescribed and furnished by the Commission.

F. Each organization license shall specify the name of the person to whom it is issued, the dates upon which horse racing is permitted, and the location, place, track, or enclosure where the race meeting is to be held.

G. All employees of an organization licensee shall be citizens of the United States, and not less than ninety percent (90%) of such employees shall be residents of this state for not less than eighteen (18) months immediately preceding such employment.

H. All horse racing conducted pursuant to the provisions of an organization license is subject to the provisions of the Oklahoma Horse Racing Act and of the rules, regulations and directives promulgated by the Commission, and every organization license issued by the Commission shall contain a statement to that effect.

I. Any organization licensee may provide, with prior approval by the Commission, that at least one horse race a day may be devoted to the racing of a type of horse which is different from the type of horse being raced in the other races conducted by the organization licensee on that day. When scheduled races are trial heats for futurities or stakes races electronically timed from the starting gates, no organization licensee shall move the starting gates or allow the starting gates to be moved until all trial heats are complete, except in an emergency as determined by the stewards.



J. Organization licenses may be revoked if the organization licensee or any person owning an interest in the organization licensee:

1. Violates any provision of the Oklahoma Horse Racing Act; or
2. Violates any provision of the rules and regulations promulgated pursuant to the provisions of the Oklahoma Horse Racing Act; or
3. Has been convicted of a felony; or
4. Has been convicted of violating any law regarding gambling or controlled dangerous substances of the United States, this state, or any other state; or
5. Has failed to disclose or has stated falsely any information contained in the application; or
6. Has concealed in whole or in part the true ownership of the organization licensee.

Any organization license revocation proceeding shall be conducted pursuant to the provisions of [Sections 302](#) through [323 of Title 75](#) of the Oklahoma Statutes.

K. The fees received by the Commission pursuant to the provisions of this section shall be apportioned to the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund.

L. The provisions of the Oklahoma Horse Racing Act and rules promulgated by the Commission shall apply to an organization licensee during the entire calendar year in which the license was issued.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 19, emerg. eff. March 22, 1983; Amended by Laws 1984, SB 415, c. 203, § 2, emerg. eff. July 1, 1984; Amended by Laws 1985, SB 260, c. 196, § 6, emerg. eff. July 1, 1985; Amended by Laws 1986, SB 511, c. 223, § 13, emerg. eff. July 1, 1986; Amended by Laws 1987, SB 61, c. 208, § 70, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1473, c. 236, § 89, emerg. eff. July 20, 1987; Amended by Laws 1989, HB 1637, c. 369, § 102, emerg. eff. June 6, 1989; Amended by Laws 1991, HB 1261, c. 269, § 8, emerg. eff. July 1, 1991; Amended by Laws 1992, SB 862, c. 16, § 5, emerg. eff. March 26, 1992; Amended by Laws 1992, SB 935, c. 364, § 18, emerg. eff. June 4, 1992; Amended by Laws 2017, HB 1858, c. 116, § 4, emerg. eff. date July 1, 2017 ([superseded document available](#)).

***Citationizer© Summary of Documents Citing This Document***

## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports

#### Chapter 2 - Horse Racing Oklahoma Horse Racing Act

#### Section 205.2a - Organization License - Ownership Interest Cite as: O.S. §. \_\_\_

Whenever an organization license to conduct a horse race meeting has been issued, no person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership of any interest in such organization licensee without first having obtained the approval of the Commission. The Commission may, after hearing, revoke such organization license granted to any person which shall register on its books in the name of any person its shares of stock or certificates or other evidence of ownership of any interest in such organization licensee without the approval of the Commission having first been obtained, or which shall knowingly permit a person to be directly or indirectly interested in its shares of stock or certificates or other evidence of ownership of any interest in such organization license without reporting the same to the Commission. Whenever the Commission gives to any person its approval to own or hold the shares of stock or certificates or other evidence of ownership of any interest in any such organization licensee it shall by registered mail notify the secretary of such licensee of such approval. Under no circumstances shall the Commission give such approval to any person who has been convicted of a felony or a crime involving moral turpitude, unless said person has been granted a full and unconditional pardon. Under no circumstances shall the Commission give such approval to any person who has violated any of the provisions of the racing laws of this state or any other state, or has at any time been denied a license or permit of any kind by the Commission.

#### ***Historical Data***

Laws 1985, SB 260, c. 196, § 7, emerg. eff. July 1, 1985.

***Citationizer© Summary of Documents Citing This Document***

## Oklahoma Statutes Citationized

### Title 3A. Amusements and Sports

#### Chapter 2 - Horse Racing Oklahoma Horse Racing Act

#### Section 205.3 - Persons Ineligible for Organization License Cite as: O.S. §. \_\_\_

No organization license shall be granted:

1. to any applicant if the applicant or a person owning an interest in the applicant:
  - a. has been convicted of a felony, or
  - b. has been convicted of violating any law regarding gambling or controlled dangerous substances of the United States, this state, or any other state, or
  - c. has a federal or state criminal charge pending, or
  - d. is or has been connected with or engaged in the operation of any illegal business; or
2. to any person who, at the time of application for the organization license, does not own a finished racetrack or have architectural plans and specifications approved by the Commission for a racetrack which is suitable for the type of racing intended to be held by the applicant and for the accommodation and safety of the public and the horses.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 20, emerg. eff. March 22, 1983.

***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.4 - Organization Licensees Minimum Standard -**

#### **Penalty** Cite as: O.S. §, \_\_ \_\_

A. The Commission shall promulgate rules and regulations setting minimum standards to be met by organization licensees.

B. The failure of an organization licensee which has been awarded racing dates to meet the minimum standards set by the Commission shall result in the mandatory suspension of the organization license by the Commission. The suspended organization license of the organization shall not be reinstated until the minimum standards are met. Those organization licensees which apply for racing dates shall not be granted organization licenses if they are not in compliance with the minimum standards to be set by the Commission.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 21, emerg. eff. March 22, 1983.  
**Citationizer© Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.5 - Grandstand Facilities Fire Safety Standards - Inspections** Cite as: O.S. §, \_\_ \_\_

- A. Prior to commencing construction, remodeling, or alteration of grandstand or other spectator areas, including but not limited to clubs, lounges, and restaurants, plans and specifications shall be presented to the State Fire Marshal for approval. Life safety provisions of the National Fire Protection Association "Life Safety Code", No. 101, as adopted by the State Fire Marshal Commission, shall be the state standard for regulation of fire safety in grandstand facilities.
- B. Prior to commencing construction, remodeling, or alteration of stables, dormitories, barns, and other buildings in the stabling areas, plans and specifications shall be presented to the State Fire Marshal for approval.
- C. The State Fire Marshal Commission shall adopt rules and regulations for conducting fire safety inspections on a regular basis at operating tracks.

#### **Historical Data**

Laws 1983, HB 1022, c. 11, § 22, emerg. eff. March 22, 1983; Amended by Laws 1985, SB 260, c. 196, § 8, emerg. eff. July 1, 1985.

**Citationizer© Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.6 - Authorized System of Pari-Mutuel Wagering - Fund Distribution of Wagered Money - Prohibited Revenue Bond Financing of Racetrack or Facility - Purse Trust** Cite as: O.S. §, \_\_ \_\_

- A. Any organization licensee conducting a race meeting may provide

places on the race meeting grounds at which it may conduct and supervise the pari-mutuel system of wagering on the horse races conducted by the organization licensee at the race meeting. No other place or method of betting, pool making, wagering, or gambling shall be used or permitted by the organization licensee. The pari-mutuel system of wagering shall be permitted only on horse races conducted at a racetrack where such pari-mutuel system of wagering is authorized pursuant to the provisions of the Oklahoma Horse Racing Act.

B. Each organization licensee that holds a race meeting at which the pari-mutuel system of wagering is conducted shall retain an amount equal to eighteen percent (18%) of all money wagered, to be distributed as follows:

1. The first One Hundred Million Dollars (\$100,000,000.00) wagered per calendar year for each type of racing shall be distributed as follows provided, that all racing dates exclusively for Thoroughbred racing in a calendar year shall be combined for the purpose of computing taxation rates and all racing dates for mixed racing and all other individual breeds in a calendar year shall be combined but considered separate from Thoroughbred racing for the purpose of computing taxation rates:
  - a. one-ninth (1/9) of the eighteen percent (18%) shall be remitted to the Oklahoma Tax Commission on the first business day following the close of the racing day on which it was assessed. One hundred percent (100%) of the revenue derived pursuant to the provisions of this paragraph shall be apportioned monthly to the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund, and
  - b. five-ninths (5/9) of the eighteen percent (18%) shall be retained by the organization licensee, and
  - c. one-third (1/3) of the eighteen percent (18%) shall be retained by the organization licensee to be distributed as purses for participating horses.
2. All money wagered per calendar year for each type of racing in excess of One Hundred Million Dollars (\$100,000,000.00) but not to exceed One Hundred Fifty Million Dollars (\$150,000,000.00) shall be distributed as follows provided, that all racing dates exclusively for Thoroughbred racing in a calendar year shall be combined for the purpose of computing taxation rates and all racing dates for mixed racing and all other individual breeds in a calendar year shall be combined but considered separate from Thoroughbred racing for the purpose of computing taxation rates:
  - a. one-ninth (1/9) of the eighteen percent (18%) shall be remitted to the Oklahoma Tax Commission on the first business day following the close of the racing day on which it was assessed. One hundred percent (100%) of the revenue derived pursuant to the provisions of this paragraph shall be apportioned monthly to the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund, and
  - b. four-ninths (4/9) of the eighteen percent (18%) shall be retained by the

organization licensee, and

c. one-third (1/3) of the eighteen percent (18%) shall be retained by the organization licensee to be distributed as purses for participating horses, and

d. one-ninth (1/9) of the eighteen percent (18%) shall be retained by the organization licensee to be distributed as follows:

(1) seventy-five percent (75%) as purses for participating horses, and

(2) twenty-five percent (25%) shall be remitted to the Commission, at such intervals as required by the Commission, for deposit in the Oklahoma Breeding Development Fund Special Account.

3. All money wagered per calendar year for each type of racing in excess of One Hundred Fifty Million Dollars (\$150,000,000.00) shall be distributed as follows provided, that all racing dates exclusively for Thoroughbred racing in a calendar year shall be combined for the purpose of computing taxation rates and all racing dates for mixed racing and all other individual breeds in a calendar year shall be combined but considered separate from Thoroughbred racing for the purpose of computing taxation rates:

a. one-ninth (1/9) of the eighteen percent (18%) shall be remitted to the Oklahoma Tax Commission on the first business day following the close of the racing day on which it was assessed. One hundred percent (100%) of the revenue derived pursuant to the provisions of this paragraph shall be apportioned monthly to the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund, and

b. one-third (1/3) of the eighteen percent (18%) shall be retained by the organization licensee, and

c. one-third (1/3) of the eighteen percent (18%) shall be retained by the organization licensee to be distributed as purses for participating horses, and

d. two-ninths (2/9) of the eighteen percent (18%) shall be retained by the organization licensee to be distributed as follows:

(1) seventy-five percent (75%) as purses for participating horses, and

(2) twenty-five percent (25%) shall be remitted to the Commission, at such intervals as required by the Commission, for deposit in the Oklahoma Breeding Development Fund Special Account.

C. Notwithstanding any other provisions of this act, the state shall collect six percent (6%) of the total amount wagered under the provisions of this act at such time the organization licensee has no further debt service.

D. In addition to the amount required to be retained by the provisions of subsection B of this section, each organization licensee holding a race meeting at which the pari-mutuel system of wagering is conducted shall retain an additional amount equal to three percent (3%) of all money wagered on multiple race wagers involving not to exceed two races and on multiple horse wagers not to exceed two horses in the same race.

Such amount shall be retained by the organization licensee to be distributed as follows:

1. Two-thirds (2/3) of three percent (3%) shall be distributed:
  - a. seventy-five percent (75%) as purses for participating horses, and
  - b. twenty-five percent (25%) shall be remitted to the Commission, at such intervals as required by the Commission, for deposit in the Oklahoma Breeding Development Fund Special Account; and
2. One-third (1/3) of the three percent (3%) shall be distributed:
  - a. fifty percent (50%) as purses for participating horses, and
  - b. fifty percent (50%) to the organization licensee.

E. Each organization licensee shall retain an amount not less than twenty-one percent (21%) nor greater than twenty-five percent (25%) of all money wagered on multiple race wagers involving more than two races, and on multiple horse wagers involving more than two horses such amount shall be distributed as follows:

1. Eighteen percent (18%) pursuant to subsection B of this section;
2. Three percent (3%) pursuant to subsection D of this section; and
3. Of the remainder, fifty percent (50%) to be distributed as purses for participating horses and fifty percent (50%) to the organization licensee.

F. Organization licensees shall keep accurate books and records of all monies wagered on each day of a race meeting and of the taxes paid pursuant to the provisions of this section. The Oklahoma Tax Commission or an authorized representative shall have access at all reasonable times to such records for the purpose of examining and checking the records and ascertaining whether the proper amount of taxes is being paid. The Oklahoma Tax Commission shall require verified reports and a statement of the total of all monies wagered daily at a race meeting and may prescribe forms upon which such reports and statement shall be made. The organization licensee shall provide the Oklahoma Tax Commission with such space and accommodations as may be necessary for the Oklahoma Tax Commission to implement its duties pursuant to the provisions of the Oklahoma Horse Racing Act.

G. No revenue bonds issued by a public trust, as authorized by the provisions of Title 62 of the Oklahoma Statutes, shall be used to finance any racetrack or racing facility.

H. All monies retained or to be distributed for purses shall be held in trust by the Horsemen's Bookkeeper pursuant to [Section 208.13](#) of this title for the duly designated horsemen's organization for purses.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 23, emerg. eff. March 22, 1983; Amended by Laws 1985, HB 1065, c. 52, § 1, emerg. eff. July 1, 1985; Amended by Laws 1986, SB 511, c. 223, § 14, emerg. eff. July 1, 1986; Amended by Laws 1989, HB 1327, c. 249, § 1, emerg. eff. July 1, 1989; Amended by Laws 1990, HB 2152, c. 275, § 4, emerg. eff. May 25, 1990; Amended by Laws 1992, SB 198, c. 26, § 1, emerg. eff. July 1, 1992; Amended by Laws 1992, SB 935, c. 364, § 15, emerg. eff. July 1, 1992; Amended by Laws 1995, SB 111, c. 124, § 1, emerg. eff. April 21, 1995; Amended by Laws 2001, SB 555, c. 182, § 1, emerg. eff. May 2, 2001 ([superseded document available](#)); Amended by Laws 2010, SB 1905, c. 340, § 1, eff. November 1, 2010 ([superseded document available](#)); Amended by Laws 2017, HB 1858, c. 116, § 5, emerg. eff. July 1, 2017 ([superseded document available](#)).

**Citationizer© Summary of Documents Citing This Document**

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.6a - Offtrack Wagering Plans - Conditions - Notification - Licensing - Breakage and Unclaimed Ticket Proceeds** Cite as: O.S. §, \_\_ \_\_

A. Any organization licensee shall file with the Oklahoma Horse Racing Commission its plan to conduct pari-mutuel wagering at a facility or facilities located outside the organization licensee's racing enclosure. Such pari-mutuel wagering may be conducted at any time as authorized by the Commission. The conducting of pari-mutuel wagering at a facility outside the organization licensee's enclosure is subject to the following:

1. Pari-mutuel wagering shall be permitted only in a county which approves or has approved the conducting of pari-mutuel horse racing in that county pursuant to the provisions of Section [209](#) of this title;
2. Pari-mutuel wagering conducted by an organization licensee shall not be permitted within thirty (30) miles of another organization licensee's racing enclosure without the express permission granted by the other organization licensee;
3. All pari-mutuel wagering facilities located outside any organization licensee's racing enclosure shall be operated in accordance with all applicable rules of the Oklahoma Horse Racing Commission Rules of Racing (Pari-Mutuel Edition);
4. The organization licensee sending its racing signal to a facility or facilities outside its racing enclosure may combine the pari-mutuel pools of all facilities with those of the organization licensee for the purpose of



determining odds and computing payoffs. The amount of money to be retained and distributed by the organization licensee and to be remitted to the Oklahoma Tax Commission from money wagered pursuant to the provisions of this section shall be the same as set forth in paragraph 1 of subsection B, in subsection D, and in subsection E of Section [205.6](#) of this title and in Section [208.2](#) of this title;

5. One percent (1%) of the total monies wagered at a facility other than an organization licensee's racing enclosure shall be distributed from the amount retained pursuant to paragraph 4 of this subsection as follows:

- a. ten percent (10%) to the State Auditor and Inspector for the purpose of auditing such facilities, and
- b. forty-five percent (45%) to the county in which the facility is located, and
- c. forty-five percent (45%) to the city in which the facility is located, or
- d. if the facility is not located within the corporate limits of any city, ninety percent (90%) to the county in which the facility is located;

6. The distribution for purses at facilities other than an organization licensee's racing enclosures shall be:

- a. six and one-half percent (6.5%) of total handle during the first thirty-six (36) months after the opening of a facility in a county, and
- b. seven and one-half percent (7.5%) of total handle thereafter.

Upon completion of three hundred sixty-five (365) calendar days since the opening of a facility in a county, the thirty-six-month period commences retroactive to the opening of that facility. If the facility does not operate for three hundred sixty-five (365) calendar days, a new facility may be opened and operated, with the thirty-six-month period commencing consistent with this paragraph. If a facility terminates operation after the three-hundred-sixty-fifth calendar day, all days shall be allotted to subsequent facilities not to exceed one thousand ninety-five (1,095) calendar days per facility; and

7. The organization licensee, after the distribution to the Oklahoma Tax Commission pursuant to the provisions of paragraph 4 of this subsection and distributions pursuant to paragraphs 5 and 6 of this subsection, shall retain the balance of the monies wagered.

B. Notification by an organization licensee to conduct pari-mutuel wagering at a facility or facilities outside of the organization licensee's racing enclosure shall be made annually to the Oklahoma Horse Racing Commission. An organization licensee may make an original notification to conduct pari-mutuel wagering at a facility or facilities outside of the organization licensee's racing enclosure at any time.

C. All persons employed in the actual conduct of pari-mutuel wagering at a facility outside an organization licensee's racing enclosure shall be licensed by the Commission, consistent with Section [204.2](#) of this title.

D. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization

licensee sending the racing program.

E. All monies retained or to be distributed for purses shall be held in trust by the Horsemen's Bookkeeper pursuant to Section 5 of this act for the duly designated horsemen's organization for purses.

***Historical Data***

Laws 1995, SB 450, c. 125, § 1; Amended by Laws 1996, SB 1167, c. 176, § 1, emerg. eff. May 14, 1996; Amended by Laws 2010, SB 1905, c. 340, § 2, eff. November 1, 2010 ([superseded document available](#)).

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.7 - Wagering on Out-Of-State Races** Cite as: O.S. §, \_\_ \_\_

A. The Oklahoma Horse Racing Commission may authorize an organization licensee to accept wagers on the results of out-of-state full racing programs for simulcast races as follows:

1. On days when the organization licensee is conducting live racing, the licensee may accept wagers on out-of-state full racing programs during the hours when it is conducting live racing, and may accept wagers on the results of out-of-state full racing programs during the hours it is not conducting live racing;

2. a. On days when the organization licensee is not conducting live racing, the licensee may accept wagers on the results of out-of-state full racing programs, provided that the number of days, not included in its race meeting, which an organization licensee may be authorized to accept wagering pursuant to this paragraph is limited to fifty percent (50%) of the number of days the licensee conducts live racing;

b. notwithstanding the limitations contained in subparagraph a of this paragraph, an organization licensee may accept wagers on races run at any racetrack licensed by the Oklahoma Horse Racing Commission, and may accept wagers on the out-of-state full racing programs received by said racetrack; and

3. On days when the licensee is conducting live racing, the Oklahoma Horse Racing Commission may authorize the organization licensee to accept wagers on individual out-of-state simulcast races in addition to the

out-of-state full racing programs.

B. The authorization provided in subsection A of this section must comply with federal laws including, but not limited to, Chapter 57 of Title 15 of the United States Code.

C. Wagers on out-of-state races conducted pursuant to the provisions of this section may be placed in a separate pari-mutuel pool or pools, or may be combined with the pari-mutuel pool or pools of the track where the race is run, or may be combined with other organization licensees licensed by the Oklahoma Horse Racing Commission and their wagering facilities located within this state.

D. Each organization licensee accepting wagers on an out-of-state race shall deduct a percentage of the amount handled which is equal to the percentage deducted from the amount handled by the organization licensee in pari-mutuel pools at the race meeting or meetings held by the organization licensee if the wagers on the out-of-state races are not being combined with the pari-mutuel pool or pools where the race or races are being run.

E. For the day on which the out-of-state race is offered, each organization licensee shall pay the state share of the organization licensee at the rate applicable to the races of the racing program of the organization licensee.

F. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization licensee.

G. Except as otherwise provided by law, the amount remaining from the deduction pursuant to the provisions of subsection D of this section after payment of the state share and the contractual payment to the out-of-state host racing organization, shall be distributed as follows:

1. Fifty percent (50%) to the organization licensee; and
2. Fifty percent (50%) to the organization licensee to be distributed as purses.

H. An organization licensee accepting wagers on out-of-state full racing programs pursuant to subsection A of this section shall, for any year in which it intends to accept such out-of-state full racing programs, make application to the Commission for not less than eighty percent (80%) of the number of live racing days awarded for each race meeting to that licensee in 1996.

I. Notwithstanding subsection H of this section, any organization licensee may apply for less than the eighty percent (80%) of the number of live race days for a designated race meeting awarded to the licensee in 1996 if such application is approved by the organization licensee's official horsemen's representative at that designated race meeting.

J. One-tenth of one percent (1/10 of 1%) of the total monies wagered at the racing enclosure on out-of-state simulcast races shall be remitted by

the organization licensee from the amount retained pursuant to this section to the State Auditor and Inspector for the purpose of auditing racing facilities.

K. All monies retained or to be distributed for purses shall be held in trust by the Horsemen's Bookkeeper pursuant to Section 5 of this act for the duly designated horsemen's organization for purses.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 24, emerg. eff. March 22, 1983; Amened by Laws 1988, SB 398, c. 210, § 7, emerg. eff. July 1, 1988; Amended by Laws 1991, HB 1261, c. 269, § 4, emerg. eff. July 1, 1991; Amended by Laws 1993, SB 134, c. 160, § 1, eff. September 1, 1993; Amended by Laws 1994, SB 694, c. 83, § 1, emerg. eff. April 19, 1994; Amended by Laws 1995, SB 450, c. 125, § 2; Amended by Laws 1996, SB 1167, c. 176, § 2, emerg. eff. May 14, 1996; Amended by Laws 2002, SB 1326, c. 152, § 1, emerg. eff. April 29, 2002 ([superseded document available](#)); Amended by Laws 2010, SB 1905, c. 340, § 3, eff. November 1, 2010 ([superseded document available](#)).

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.7a - Televised Races    Cite as: O.S. §, \_\_\_ \_\_**

A. Any organization licensee that accepts full-card out-of-state simulcast wagering at any time during a calendar year shall be required to televise to all other racetracks licensed by the Oklahoma Horse Racing Commission all of its live races, or the number of days of its live racing which is equivalent to the number of days of live racing conducted at the receiving track, whichever is less. Pari-mutuel wagering may be conducted on such races at all other racetracks licensed by the Oklahoma Horse Racing Commission and may be allowed at their in-state offtrack pari-mutuel wagering facilities or at any other racetrack or entity in another state or country. Money wagered on such races may be placed in separate or common pools as determined by rules of the Oklahoma Horse Racing Commission. A written application to televise a race shall contain the details of such race, its agreements and contracts, and shall be submitted

to the Oklahoma Horse Racing Commission for its approval prior to the racing event. Such agreement shall comply with all applicable laws of the United States and the laws of this state. The proceeds of the agreement shall be distributed in the same manner as money wagered pursuant to the provisions of paragraph 1 of subsection B, in subsection D, and in subsection E of Section [205.6](#) [3A-205.6] of this title and Section [208.2](#) [3A-208.2] of this title.

B. For the days on which a licensed track within this state does not conduct live racing but conducts pari-mutuel wagering on races televised from another licensed track within this state or on out-of-state races, the conducting of pari-mutuel wagering shall not be considered racing days for the purposes of this title.

C. When any licensed track within this state conducts pari-mutuel wagering on races televised from another licensed track within this state, the receiving licensee shall not retransmit the sending licensee's signal without the express permission of the sending licensee.

D. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization licensees who are sending and receiving the racing program.

### ***Historical Data***

Laws 1995, SB 450, c. 125, § 3; Amended by Laws 1996, SB 1167, c. 176, § 3, emerg. eff. May 14, 1996.

***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 205.8 - National Breeders' Cup Pick Seven - Apportionment of Wagered Money** Cite as: O.S. §, \_\_\_ \_\_

A. Pursuant to rules and regulations of the Oklahoma Horse Racing Commission, an organization licensee shall be permitted to conduct a National Breeders' Cup pick seven.

B. Any organization licensee authorized by the Commission to accept wagers on the results of the National Breeders' Cup races shall apportion all money wagered on pick seven wagers as follows:

1. Seven percent (7%) shall be remitted to the Oklahoma Tax Commission on the first business day following the close of the racing day on which it was assessed. The revenue shall be apportioned monthly to the General

Revenue Fund of the state for the support of the state government, to be paid out only pursuant to appropriation by the Legislature;

2. Ten percent (10%) shall be retained by the organization licensee;

3. Eight percent (8%) shall be retained by the organization licensee to be distributed as purses; and

4. Seventy-five percent (75%) shall be placed in a separate pari-mutuel pool but shall be commingled with other states' pick seven wager pari-mutuel pools as governed by rules set forth by the Commission.

***Historical Data***

Laws 1991, HB 1261, c. 269, § 5, emerg. eff. July 1, 1991.

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

**Section 206 - Repealed** Cite as: O.S. §, \_\_\_ \_\_

Repealed by Laws 1983, HB 1022, c. 11, § 38

***Historical Data***

Repealed by Laws 1983, HB 1022, c. 11, § 38.

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes**

### **Citationized Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

**Section 207 - Taxation on Admission Fees - Apportionment of Tax Proceeds** Cite as: O.S. §, \_\_\_ \_\_

Each organization licensee shall collect a tax of ten percent (10%) of the amount received by the organization licensee for tickets for admission to the race meeting grounds. If an organization licensee offers a reduced

price for admission to the race meeting grounds based upon the purchase of a season ticket or pass, the amount of tax collected by the licensee for admission to the race meeting grounds as a result of the purchase of such ticket or pass by any person shall be equal to the amount of tax that would have been collected by the licensee for admission to the race meeting grounds if such person did not hold a season ticket or pass. On the first business day after the close of the racing day on which the tax was collected, the organization licensee shall remit to the Oklahoma Tax Commission the proceeds from the tax. The proceeds of the tax shall be distributed as follows:

1. For the first two (2) years of operation, forty-five percent (45%) shall be apportioned monthly to the municipality in which the racetrack is located. Fifty percent (50%) shall be apportioned monthly to the county in which the racetrack is located. Five percent (5%) shall be apportioned monthly to the General Revenue Fund of the State Treasury.

2. For the third and all following years, fifty percent (50%) shall be apportioned monthly to the municipality in which the racetrack is located and fifty percent (50%) shall be apportioned monthly to the county in which the racetrack is located. If the racetrack is not located in a municipality or is located in a municipality with a population of less than one thousand (1,000), one hundred percent (100%) of the proceeds shall be distributed to the county in which the racetrack is located.

### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 25, emerg. eff. March 22, 1983; Amended by Laws 1983, HB 1296, c. 249, § 6, emerg. eff. July 1, 1983; Amended by Laws 1986, SB 511, c. 223, § 15, emerg. eff. July 1, 1986; Amended by Laws 1989, HB 1327, c. 249, § 2, emerg. eff. July 1, 1989.

***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports Chapter 2 - Horse**

#### **Racing Oklahoma Horse Racing Act**

#### **Section 208 - Distribution of Breakage Proceeds** Cite as: O.S. §, \_\_\_

A. From any payment made to an individual who has wagered by

contributing to a pari-mutuel pool operated by an organization licensee, the organization licensee shall deduct the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents (\$0.10). If there is a minus pari-mutuel pool, the organization licensee shall deduct the odd cents by which the amount payable on each dollar wagered exceeds a multiple of five cents (\$0.05). The amount so deducted shall be known as breakage.

B. All breakage proceeds shall be remitted by the organization licensee to the Commission for deposit in the Oklahoma Breeding Development Fund Special Account.

### ***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982; Amended by Laws 1983, HB 1022, c. 11, § 26, emerg. eff. March 22, 1983; Amended by Laws 1989, HB 1637, c. 369, § 99, emerg. eff. July 1, 1989.

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.1 - Unclaimed Ticket Winnings - Remittance of**

#### **Proceeds** Cite as: O.S. §, \_\_ \_\_

A. Any individual who claims to be entitled to any part of a pari-mutuel pool conducted by an organization licensee and who fails to receive the money due may file the following with the organization licensee within sixty (60) days after the wager has been made:

1. A verified claim on a form prescribed and furnished by the Oklahoma Horse Racing Commission setting forth such information as may be necessary to identify the particular pool and the amount claimed therefrom; and
2. A substantial portion of the pari-mutuel ticket upon which the claim is based, sufficient to identify the particular racetrack, race, and horse involved, the amount wagered, and whether the ticket was a win, place, or show ticket.

B. Upon proper application by an individual or an organization licensee the Commission shall hear any disputed claim and consider the proof offered in its support. Unless the claimant satisfactorily establishes the right to participate in the pool, the claim shall be rejected. If the claim is allowed,



the organization licensee shall pay the amount of the claim to the claimant upon order of the Commission.

C. All unclaimed ticket proceeds shall be remitted by the organization licensee to the Commission for deposit in the Oklahoma Breeding Development Fund Special Account as follows:

1. The payment for unclaimed ticket proceeds shall be accompanied by a completed form as prescribed by the Commission; and
2. The organization licensee shall remit calendar quarterly payments of all unclaimed ticket proceeds which have been in the organization licensee's possession for no fewer than sixty (60) days after the wager has been made, regardless of whether the wager was from live racing or simulcasting or during or between live race meetings.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 27, emerg. eff. March 22, 1983; Amended by Laws 1989, HB 1637, c. 369, § 100, emerg. eff. July 1, 1989; Amended by Laws 2001, HB 1246, c. 145, § 2, emerg. eff. July 1, 2001 ([superseded document available](#)).

***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.2 - Race Meeting Conducted by Fair Association -**

#### **Percentages from Wagering - License - Purse Trust** Cite as: O.S. §, \_\_ \_\_

A. Any fair association organized pursuant to the provisions of Title 2 of the Oklahoma Statutes for Agricultural Fair Corporations, the Free Oklahoma State Fair, Free District Fairs, and Agricultural and Industrial Expositions and Fairs or any existing county, district, or state fair as of January 1, 1983, which qualifies as an organization licensee may apply to the Oklahoma Horse Racing Commission for one race meeting each year to be held within the boundaries of the county where the fair association is located or at the racing enclosure of one or more other organization licensees in this state that agree to host all or a portion of the race

meeting. The Commission may set the number of days and the dates of such race meeting requested by the fair association. Notwithstanding the definition in Section 200.1 of this title, a race meeting conducted by a fair association shall, with the consent of the respective horsemen's organization or organizations and with the approval of the Commission, be allowed to exceed twenty (20) calendar days separating any race days for which an organization license is issued pursuant to this section if a portion of the race meeting is to be conducted at the racing enclosure of another organization licensee. A race meeting conducted pursuant to the provisions of this section shall be conducted in such a manner that all net profit after payment of expenses of conducting the race meeting, including compensation to the organization licensee hosting the race meeting, shall accrue to the fair association.

B. Each organization licensee that, pursuant to this section, holds a race meeting at which the pari-mutuel system of wagering is conducted shall retain the following amounts from the monies wagered:

1. On win, place, and show wagers, an amount equal to eighteen percent (18%) shall be retained and distributed as follows:
  - a. two-thirds (2/3) of the eighteen percent (18%) to the organization licensee, and
  - b. one-third (1/3) of the eighteen percent (18%) to purses for participating horses;
2. On race wagers involving two races or two horses, an amount equal to twenty-one percent (21%) shall be retained and distributed as follows:
  - a. one percent (1%) shall be remitted to the Commission, at such intervals as required by the Commission, for deposit in the Oklahoma Breeding and Development Fund Special Account for participating horses,
  - b. two-thirds (2/3) of the balance of the amount retained to the organization licensee, and
  - c. one-third (1/3) of the balance of the amount retained to purses for participating horses;
3. On race wagers involving three or more races or three or more horses, an amount equal to not less than twenty-one percent (21%) nor more than twenty-five percent (25%) shall be retained and distributed as follows:
  - a. one percent (1%) shall be remitted to the Commission, at such intervals as required by the Commission, for deposit in the Oklahoma Breeding and Development Fund Special Account for participating horses,
  - b. two-thirds (2/3) of the balance of the amount retained to the organization licensee, and
  - c. one-third (1/3) of the balance of the amount retained to purses for participating horses; and
4. a. Wagers conducted pursuant to Section 205.7 of this title by an organization licensee pursuant to this section whether or not such wagers

are accepted during the live race meeting of the organization licensee shall be exempt from the provisions of subsection E of Section 205.7 of this title.

b. Except as otherwise provided by law, the amount remaining after the deduction made pursuant to the provisions of subsection D of Section 205.7 of this title and after the contractual payment to the out-of-state host racing organization shall be distributed as follows: an amount equal to two percent (2%) of the monies wagered shall be distributed to the organization licensee and the balance shall be distributed as follows:

- (1) fifty percent (50%) to the organization licensee, and
- (2) fifty percent (50%) to the organization licensee to be distributed as purses.

C. Any organization licensed pursuant to this section and conducting pari-mutuel wagering on races being run at another organization licensee within the State of Oklahoma shall retain from the monies being wagered an amount equal to the amount being retained from wagers by the sending track. The amount of money retained shall be distributed as follows:

1. Fifty percent (50%) to the organization licensee; and
2. Fifty percent (50%) to the organization licensee as purses for participating horses.

D. The Commission shall issue occupation licenses for personnel of organization licensees licensed pursuant to this section. Each occupation license shall be issued pursuant to Section 204.2 of this title except that the occupation license fee shall not be more than Ten Dollars (\$10.00) excluding fingerprinting fees.

E. All monies retained or to be distributed for purses shall be held in trust by the Horsemen's Bookkeeper pursuant to Section 208.13 of this title for the duly designated horsemen's organization for purses.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 28, emerg. eff. March 22, 1983; Amended by Laws 1990, HB 1437, c. 162, § 1, emerg. eff. July 1, 1990; Amended by Laws 1994, SB 694, c. 83, § 2, emerg. eff. April 19, 1994; Amended by Laws 1995, SB 450, c. 125, § 4; Amended by Laws 2001, SB 555, c. 182, § 2, emerg. eff. May 2, 2001 ([superseded document available](#)); Amended by Laws 2004, SB 553, c. 8, § 23 ([superseded document available](#)); Amended by Laws 2010, SB 1905, c. 340, § 4, eff. November 1, 2010 ([superseded document available](#)); Amended by Laws 2012, SB 1601, c. 177, § 1 ([superseded document available](#)); Amended by Laws 2013, HB 1886, c. 396, § 1, emerg. eff. July 1, 2013 ([superseded document available](#)).

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.3 - Oklahoma Breeding Development Fund Special**

**Account** Cite as: O.S. §, \_\_ \_\_

A. There is hereby created in the State Treasury an agency special account for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Fund Special Account". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission for deposit in the fund pursuant to Section [205.6](#) of this title and from revenue received as breakage and from unclaimed pari-mutuel tickets. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for the purposes specified in subsection B of this section. Expenditures from the fund shall be made upon vouchers prescribed by the State Treasurer and issued by the Commission against the Oklahoma Breeding Development Fund Special Account. The official registering agency designated by the Commission pursuant to subsection D of this section shall verify the current eligibility of a participating horse prior to distributing any purse supplement, stake, reward or award from the Oklahoma Breeding Development Fund Special Account. Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award (awards), will forfeit such monies if that person fails to comply with all requirements necessary for earning the awards. Further, any such person will forfeit such monies if, within one (1) year from the date of the race in which such award was earned, that person does not submit the state voucher for payment or for replacement in the event of an expired voucher, or if that person fails to submit all documentation required by the Oklahoma Horse Racing Commission. In such event, monies accrued from forfeiture will be returned to the Oklahoma Breeding Development Fund Special Account for expenditure by the Commission for the purposes specified in subsection B of this section.

B. No monies shall be expended by the Commission from the Oklahoma Breeding Development Fund Special Account except for any of the following purposes:

1. To provide purse supplements to owners of Oklahoma-bred horses;
2. To provide stakes and rewards to be paid to the owners of the winning Oklahoma-bred horses in certain horse races;

3. To provide stallion awards to the owner of the Oklahoma stallion which is the sire of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting;
4. To provide breeders awards to the owner of the Oklahoma-registered mare which is the dam of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting;
5. To provide monies for equine research through state institutions accredited for the same;
6. To provide monies for use in marketing, promoting and advertising the Oklahoma-Bred Program and the Oklahoma horse racing industry to the people of Oklahoma, the United States and abroad;
7. To provide for the administration of the Oklahoma Breeding Development Program. The Oklahoma Horse Racing Commission is hereby authorized to utilize up to fifteen percent (15%) of the prior year's receipts for administration. All expenses reimbursed as administrative pursuant to this subsection shall be itemized and audited pursuant to subsection E of this section. Any monies transferred from the Oklahoma Breeding Development Fund Special Account to the Oklahoma Breeding Development Revolving Fund for administrative reimbursement found to be unsubstantiated, excessive or ineligible for reimbursement by the audit shall be returned to the Oklahoma Breeding Development Fund Special Account within thirty (30) days of the conclusion of the audit; and
8. To provide, upon the request of an official horsemen's representative organization for a breed, funding to any nonprofit entity that is based in Oklahoma and exempt from taxation pursuant to the provisions of the United States Internal Revenue Code, 26 U.S.C. Section 501(c), for the purpose of providing care of retired and unwanted Oklahoma-bred racing stock of the particular breed of horse represented by the requesting organization.

C. By rule the Commission shall:

1. Define the term "Oklahoma-bred horse";
2. Qualify stallions for participation in Oklahoma-bred stallion awards;
3. Provide for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses. No such horse shall compete in the races limited to Oklahoma-bred horses unless registered with the Commission. The Commission may prescribe such forms as are necessary to determine the eligibility of such horses; provided, breeding stallions shall be eligible for registration in the Oklahoma-bred breeding program until July 1 of the breeding year. No person shall knowingly prepare or cause preparation of an application for registration of such foals which contains false information;
4. Establish a schedule of fees for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses sufficient to provide for all

expenses incurred in the administration of the Oklahoma Breeding Development Fund Special Account;

5. Allow a mare registered as Oklahoma-bred racing stock which has not been registered as an Oklahoma broodmare prior to foaling to be registered as an Oklahoma broodmare upon payment of the registration fee and a late fee not to exceed Two Hundred Dollars (\$200.00), which action shall entitle the foals of the mare to be registered as Oklahoma-bred horses, provided all other qualifications of the Commission are met; and

6. Establish criteria which a nonprofit entity based in Oklahoma must meet to be eligible to receive funds for the purpose of caring for retired and unwanted Oklahoma-bred racing stock.

D. The Commission may contract with and designate an official registering agency to implement the registration of horses and the payment of awards from the Oklahoma Breeding Development Fund Special Account. The official registering agency shall operate under the supervision of the Commission and be subject to the rules and regulations of the Commission. The official registering agency shall receive no compensation except fees received for registration of horses. In the event the Commission elects to perform as the official registering agency rather than contracting for such services, the Commission shall deposit all registration fees from the registration of Oklahoma-bred horses into the Oklahoma Breeding Development Fund Special Account.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 29, emerg. eff. March 22, 1983; Amended by Laws 1985, HB 1065, c. 52, § 2, emerg. eff. July 1, 1985; Amended by Laws 1985, SB 260, c. 196, § 9, emerg. eff. July 1, 1985; Amended by Laws 1989, HB 1637, c. 369, § 101, emerg. eff. July 1, 1989; Amended by Laws 1992, SB 198, c. 26, § 2, emerg. eff. July 1, 1992; Amended by Laws 1993, SB 341, c. 254, § 1 (repealed by Laws 1993, SB 581, c. 360, § 17, eff. September 1, 1993); Amended by Laws 1993, HB 1831, c. 270, § 29, eff. September 1, 1993; Amended by Laws 1993, SB 581, c. 360, § 1, eff. September 1, 1993; Amended by Laws 1998, SB 1365, c. 409, § 1 ([superseded document available](#)); Amended by Laws 2003, HB 1210, c. 299, § 4, emerg. eff. July 1, 2003 ([superseded document available](#)); Amended by Laws 2006, SB 1399, c. 274, § 3, emerg. eff. June 7, 2006 ([superseded document available](#)); Amended by Laws 2010, SB 820, c. 245, § 1, eff. November 1, 2010; Amended by Laws 2010, HB 2395, c. 413, § 8, emerg. eff. July 1, 2010 ([superseded document available](#)).

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.3a - Oklahoma Breeding Development Administration Revolving Fund** Cite as: O.S. §, \_\_ \_\_

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Administration Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission from transfers made pursuant to paragraph 6 of subsection B of Section 208.3 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission for the purpose of administering the Oklahoma Breeding Development Program, or additions to purses of Oklahoma-bred races, and for no other purpose. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Monies received by and expenditures from said fund shall be subject to an annual audit pursuant to paragraph 6 of subsection B and subsection E of Section 208.3 of this title.

At the close of each fiscal year any unencumbered, unobligated, and unexpended monies in the Oklahoma Breeding Development Administration Revolving Fund shall be transferred to the Oklahoma Breeding Development Fund Special Account.

#### ***Historical Data***

Laws 1993, HB 1831, c. 270, § 30, eff. September 1, 1993; Amended by Laws 1998, SB 1365, c. 409, § 2, eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 2012, HB 3079, c. 304, § 23 ([superseded document available](#)).

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

**Section 208.4 - Holding Race or Race Meeting without Valid Organization License - Wagering by Minors** Cite as: O.S. §, \_\_ \_\_

A. Any person holding a race or race meeting at which pari-mutuel or non-pari-mutuel wagering is conducted without a valid organization license issued pursuant to the provisions of the Oklahoma Horse Racing Act, upon conviction, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

B. No organization licensee shall knowingly permit any minor to be a patron of the pari-mutuel system of wagering conducted by the organization licensee. Any person convicted of violating any provision of this subsection shall be guilty of a misdemeanor.

***Historical Data***

Laws 1983, HB 1022, c. 11, § 30, emerg. eff. March 22, 1983; Amended by Laws 1993, SB 51, c. 254, § 2, emerg. eff. May 26, 1993; Amended by Laws 1997, HB 1213, c. 133, § 112 (effective date amended to July 1, 1999 by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 45, emerg. eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 2006, SB 1399, c. 174, § 4, emerg. eff. June 7, 2006 ([superseded document available](#)).

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**Oklahoma Statutes Citationized**

**Title 3A. Amusements and Sports**

**Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

**Section 208.5 - Repealed** Cite as: O.S. §, \_\_ \_\_

Repealed by Laws 1993, SB 49, c. 85, § 2, eff. September 1, 1993

***Historical Data***

Repealed by Laws 1993, SB 49, c. 85, § 2, eff. September 1, 1993.

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## **Title 3A. Amusements and Sports**

### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.6 - Horse's True Name - Violations** Cite as: O.S. §, \_\_ \_\_

A. No person shall knowingly enter or cause to be entered for competition any horse under any other name than its true name, or out of its proper class, for any purse, prize, premium, stake, or sweepstakes offered to the winner of a contest of speed at any race meeting held by an organization licensee.

B. The name of any horse, for the purpose of entry for competition in any contest of speed, shall be the name under which the horse has been registered and has publicly performed.

C. Any person convicted of violating the provisions of this section shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

#### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 32, emerg. eff. March 22, 1983; Amended by Laws 1997, HB 1213, c. 133, § 113 (effective date changed to July 1, 1999 by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 46, emerg. eff. July 1, 1999 ([superseded document available](#)).

#### ***Citationizer© Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports Chapter 2 - Horse**

#### **Racing      Oklahoma Horse Racing Act**

#### **Section 208.7 - Devices Prohibited for Stimulating or Depressing**

#### **Horses - Penalties and Violations** Cite as: O.S. §, \_\_ \_\_

A. It shall be unlawful for any person to:

1. Use or conspire to use any battery, buzzer, electrical or mechanical device, or other device other than the ordinary whip for the purpose of stimulating or depressing a horse or affecting its speed at any time; or
2. sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing a horse or affecting its speed at any time; or
3. have in the possession of the person, within the confines of a racetrack,

stables, sheds, buildings, or grounds where horses are kept which are eligible to race over a racetrack of any organization licensee, any device other than the ordinary whip which may or can be used for the purpose of stimulating or depressing a horse or affecting its speed at any time; or  
4. have in the possession of the person with the intent to sell, give away, or exchange any such devices.

B. Possession of such devices by anyone within the confines of a racetrack, stables, sheds, buildings, or grounds where horses are kept which are eligible to race over the racetracks of any organization licensee shall be prima facie evidence of intention to use such devices.

C. Any person who violates the provisions of this section, upon conviction, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment. The Commission shall suspend or revoke the license of any person convicted of violating the provisions of this section.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 33, emerg. eff. March 22, 1983; Amended by Laws 1997, HB 1213, c. 133, § 114 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 47, emerg. eff. July 1, 1999 ([superseded document available](#)).

***Citationizer® Summary of Documents Citing This Document***

## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.8 - Penalties for Corrupt Acts** Cite as: O.S. §, \_\_\_ \_\_

A. It shall be unlawful for any person to directly or indirectly engage or to conspire with or aid, assist, or abet any other person in the commission of any corrupt act or practice, including but not limited to:

1. the giving, offering, promising, accepting, soliciting or receiving, directly or indirectly, any gratuity or bribe in any form to any person having duties in relation to any race or race horse or to any trainer, jockey, starter, assistant starter, gatekeeper or agent or to any other person having charge of, or access to, any race horse; or
2. the passing or attempting to pass or the cashing or attempting to cash

any altered or fraudulent pari-mutuel ticket; or

3. the unauthorized sale or the attempt to make an unauthorized sale of any racetrack admission ticket.

B. Any person who is convicted of violating the provisions of subsection A of this section shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

C. If any person who is convicted of violating the provisions of subsection A of this section is licensed pursuant to the provisions of the Oklahoma Horse Racing Act, Section [200](#) et seq. of this title, the Commission shall suspend or revoke the organization or occupation license of the person in addition to the penalty and fine imposed in subsection B of this section.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 34, emerg. eff. March 22, 1983; Amended by Laws 1990, HB 2152, c. 275, § 2, emerg. eff. May 25, 1990; Amended by Laws 1997, HB 1213, c. 133, § 115 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 48, emerg. eff. July 1, 1999 ([superseded document available](#)).

### ***Citationizer® Summary of Documents Citing This Document***

## **klahoma Statutes Citationized Title 3A.**

### **Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.9 - Accepting Compensation for Wagering - Punishment - Penalties** Cite as: O.S. §, \_\_\_ \_\_

No person shall directly or indirectly, for any type of compensation including but not limited to fees, dues, or donations, accept anything of value from another to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse races or collect a wager in any pari-mutuel system of wagering on horse races. Nothing in this section prohibits wagering transactions authorized pursuant to the provisions of the Oklahoma Horse Racing Act. Any person that violates the provisions of this section, upon conviction, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

### ***Historical Data***

Laws 1983, HB 1022, c. 11, § 35, emerg. eff. March 22, 1983; Amended by Laws 1990, HB 2152, c. 275, § 3, emerg. eff. May 25, 1990; Amended by Laws 1997, HB 1213, c. 133, § 116 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 49, emerg. eff. July 1, 1999 ([superseded document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing     Oklahoma Horse Racing Act**

#### **Section 208.10 - Fraud Concerning a Registered Animal's Prior Racing Record, Pedigree, Identity or Ownership** Cite as: O.S. §, \_\_\_ \_\_

It shall be unlawful for any person to falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry regarding the prior racing record, pedigree, identity or ownership of a registered animal in any matter related to the breeding, buying, selling, or racing of such animal. Whoever violates any provision of this section shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than ten (10) years, or be both so fined and imprisoned.

#### **Historical Data**

Laws 1985, SB 260, c. 196, § 10, emerg. eff. July 1, 1985; Amended by Laws 1997, HB 1213, c. 133, § 117 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 50, emerg. eff. July 1, 1999 ([superseded document available](#)).

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# Oklahoma Statutes Citationized

## Title 3A. Amusements and Sports

### Chapter 2 - Horse Racing      Oklahoma Horse Racing Act

#### Section 208.11 - Authorized Drugs or Medications - Penalties Cite as:

O.S. §, \_\_\_

A. Except as provided in subsection B of this section, the Oklahoma Horse Racing Commission is hereby authorized to determine by rule which drugs and medications, if any, may be administered to a horse prior to or during a horse race and to determine by rule the conditions under which such drugs and medications may be used or administered.

B. All horses participating in a horse race may be administered Furosemide prior to a horse race as authorized by the rules of the Oklahoma Horse Racing Commission.

C. The administration of any drug or medication to a horse prior to or during a horse race which is not permitted by rule of the Commission is prohibited.

D. Any person who violates the provisions of this section or who knowingly enters in a race a horse to which any drug or medication has been administered in violation of this section shall be guilty, upon conviction, of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years, or by both said fine and imprisonment. The Commission shall suspend or revoke the license of any such guilty party.

#### ***Historical Data***

Laws 1993, HB 1383, c. 85, § 1, eff. September 1, 1993; Amended by Laws 1997, HB 1213, c. 133, § 118 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 51, emerg. eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 2003, HB 1524, c. 48, § 1, emerg. eff. April 7, 2003 ([superseded document available](#)); Amended by Laws 2004, HB 2416, c. 517, § 2, emerg. eff. June 9, 2004 ([superseded document available](#)).

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# Oklahoma Statutes Citationized

## **Title 3A. Amusements and Sports**

### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 208.12 - Smoking in Gaming Areas and Simulcast Wagering**

**Areas** Cite as: O.S. §, \_\_\_ \_\_

The gaming areas of the premises of an organization licensee and, except for the off-track wagering facilities specified in Section 205.6a of Title 3A of the Oklahoma Statutes, the areas where simulcast wagering is conducted by an organization licensee shall not be subject to the provisions of Section 1247 of Title 21 of the Oklahoma Statutes or to the provisions of the Smoking in Public Places and Indoor Workplaces Act if the following conditions are met:

1. Each gaming or simulcast area in which smoking is permitted shall be fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape to nonsmoking areas when a door is opened, and no air from a smoking area is recirculated to nonsmoking areas of the building; and
2. No exhaust from such gaming or simulcast area shall be located within twenty-five (25) feet of any entrance, exit, or air intake.

#### ***Historical Data***

Laws 2004, HB 2416, c. 517, § 3, emerg. eff. June 9, 2004.

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

**Section 208.13 - Horsemen's Bookkeeper - Records - Funds - Duties - Discipline - Responsibilities** Cite as: 3A O.S. § 208.13 (OSCN 2021)

A. Each organization licensee shall utilize a Horsemen's Bookkeeper who shall, at a minimum, maintain the records and accounts prescribed in this section or in the rules of the Oklahoma Horse Racing Commission. The Horsemen's Bookkeeper may be an employee of the organization licensee, may be employed jointly by two or more organization licensees, or may be an entity which contracts with one or more organization licensees.

B. The records of the Horsemen's Bookkeeper shall include the following:

1. The name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse

- owner, trainer, and jockey participating at a race meeting who has funds due or on deposit in a horsemen's account; and
2. All statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.
- C. All records of the Horsemen's Bookkeeper shall be kept separate from the records of the organization licensee or licensees.
- D. All funds on account with the Horsemen's Bookkeeper shall be maintained as follows:
1. In one or more trust accounts which are separate from all accounts of the organization licensee with each designated as a "Horsemen's Trust Account"; and
  2. In trust accounts which are fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- E. 1. The Horsemen's Bookkeeper shall receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into the possession of the Horsemen's Bookkeeper.
2. All disbursements pursuant to this subsection shall be made within forty-eight (48) hours of approval by the stewards unless a protest or appeal has been filed with the stewards or the Commission, except that minimum jockey mount fees may be disbursed prior to such approval. All disbursements subject to a protest or appeal shall be made within forty-eight (48) hours of receipt of a dismissal or a final non-appealable order disposing of such protest or appeal.
3. Except as otherwise provided in this subsection and in the absence of a prior request, all disbursements pursuant to this subsection shall be made within fifteen (15) days after the last race day of the race meeting. Disbursements made by the Horsemen's Bookkeeper for an amount less than Fifty Dollars (\$50.00) and which remain uncashed after a period of not less than three (3) years may be canceled by the Horsemen's Bookkeeper with the approval of the official horsemen's representative organization and the Oklahoma Horse Racing Commission provided the funds are credited back for use as a payment of purses for participating horses of the same breed.
- F. The Horsemen's Bookkeeper may accept, hold, and pay monies due and belonging to other organizations, licensees, or meetings; provided, prompt payment or return shall be made to the person or entity to which it is due.
- G. All records of the Horsemen's Bookkeeper shall be subject to inspection and audit by the Commission at any time.
- H. The Horsemen's Bookkeeper and the organization licensee or licensees

employing the Horsemen's Bookkeeper shall be subject to disciplinary action by the Commission.

I. The Horsemen's Bookkeeper, each organization licensee employing the Horsemen's Bookkeeper, and the managing officers of each organization licensee employing the Horsemen's Bookkeeper, shall be jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Oklahoma Horse Racing Act and the orders and rules of the Commission.

***Historical Data***

Laws 2010, SB 1905, c. 340, § 5, eff. November 1, 2010; Amended by Laws 2014, SB 1730, c. 27, § 1, eff. November 1, 2014 ([superseded document available](#)).

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 209 - County Voters' Approval of Pari-Mutuel Racing** Cite as:

O.S. §, \_\_ \_\_

No pari-mutuel racetrack shall be licensed in any county unless the majority of the voters of said county, voting at an election held for that purpose, approve the conducting of pari-mutuel horse racing in said county. An election shall be called upon the filing of a petition with the county election board containing not less than ten percent (10%) of the qualified voters within any such county.

***Historical Data***

State Question No. 553, Initiative Petition No. 315, adopted at election held September 21, 1982.

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## **Oklahoma Statutes Citationized**

### **Title 3A. Amusements and Sports**

#### **Chapter 2 - Horse Racing      Oklahoma Horse Racing Act**

#### **Section 210 - Repealed** Cite as: O.S. §, \_\_ \_\_

Repealed by Laws 1983, HB 1022, c. 11, § 38



***Historical Data***

Repealed by Laws 1983, HB 1022, c. 11, § 38.

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