

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 15 – LICENSING

SUBCHAPTER 1. GENERAL PROVISIONS

325:15-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Apprentice Jockey" means a race rider who has ridden less than forty (40) winners or less than two (2) years since first having been licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a jockey.

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. ~~Said~~ The affidavit ~~must~~ shall be on file with the Commission.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Controlling Owner" means a person or family who owns or votes fifty percent (50%) or more of the voting shares of a corporation, partnership, syndicate, or other association or entity or who is the Managing, General, or Limited Partner in a partnership which has been issued a currently valid organization license.

"Day" means a 24-hour period ending at midnight.

"Dark day" means a day during a live race meeting when no pari-mutuel wagering is conducted.

"Entry" means:

- (A) A horse eligible for and entered in a race.
- (B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training.

"Horse" means:

- (A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;
- (B) an ~~entire~~ intact equine male five (5) years of age and older.

"Horse racing facility - major pari-mutuel" means a facility having those physical and locational characteristics in accord with the Oklahoma Horse Racing Act and which will qualify it for the Breeders' Cup Series or other graded stakes races as granted by The North American Graded Stakes Committee, or both.

"Jockey" means a rider licensed to race.

"Jockey Agent" means a licensed, authorized representative of a Jockey.

"Lessee" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"Lessor" means the Owner of a horse that is leased.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Program Trainer" is a licensed Trainer who, for the purposes of the official Race program, is identified as the Trainer of a horse and is acting on behalf of another individual that is either licensed or not licensed, cannot be licensed, is prohibited from racing for any reason, or is attempting to assume the appearance of being the Trainer of a horse that he/she does not have in his/her care, custody or control, or which is under the control of and/or trained by the licensed or unlicensed individual.

"Race" means a contest between horses.

"Race Day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch time" means the deadline for withdrawal of entries from an overnight race.

"Shareholder" means a person who owns some share of Ownership, including entitlement to potential profits or losses in a corporation, partnership, syndicate, association or other multiple Ownership entity.

"Stable name" means a name used other than the actual legal name of an Owner or Lessee which is registered with the Commission.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Week" means a calendar week.

"Year" means a calendar year.

SUBCHAPTER 5. OCCUPATIONAL LICENSING

325:15-5-10. Grounds for denial, refusal, suspension or revocation of license

(a) In addition to any other valid ground or reason, the Stewards may deny, refuse to issue, suspend or refer to the Commission for revocation the occupation license for any person; or the Commission may deny, refuse to issue, suspend or revoke an occupation license for any person:

- (1) Who has been convicted of a felony in this State, any other state, or the United States of America; ☞
- (2) Who has been convicted of violating any law regarding gambling or a controlled dangerous substance of this State, any other state, or of the United States of America; ☞
- (3) Who is unqualified to perform the duties required of the applicant; ☞

- (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 or spouse's license for any racing occupation or activity requiring a license has been or is currently suspended, revoked, refused or denied for just cause in any recognized racing jurisdiction; ~~or~~
 - (7) Who has been or is currently excluded from any racing enclosure by a recognized racing jurisdiction; or
 - (8) Whose conduct or reputation is such that his/her presence at a race meeting may, in the opinion of the Commission or the Stewards, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; ~~or~~.
- (b) Notwithstanding the provisions ~~in (a)~~ of this Section, any person whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects two (2) or more racing ~~medication~~ substance rule violations for any United States Drug Enforcement Agency Schedule I or II controlled substances or two (2) or more rule violations regarding electrical or mechanical devices within the preceding ten (10) years shall be denied a Commission occupation license. [3A:204.2(C); see also 3A:204.2(D) and 3A:204.3]
- (c) Notwithstanding the ~~above~~ provisions of this Section, any applicant whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects any human substance abuse violations may be denied a Commission occupation license until the person pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled dangerous substance. All such samples shall be obtained and tested by the Commission under conditions properly controlled to guarantee the complete integrity of the process and at the expense of the person. After the person has received two (2) negative tests, s/he may reapply for a license unless his/her continuing participation at a race meeting shall be deemed by the Commission Director of Law Enforcement or his/her designee as to be detrimental to the best interest of horse racing. [3A:204.2(C); see also 3A:204.2(D) and 3A:204.3]

325:15-5-16. ~~Age, weight, and experience qualifications~~ Qualifications for Jockey

- (a) ~~No person under~~ Each applicant requesting a Jockey's license shall:
- (1) Be at least sixteen (16) years of age ~~shall be granted a Jockey's license. No person whose riding weight at the time of application exceeds.~~
 - (2) Not exceed one hundred thirty (130) pounds ~~shall be licensed as a Jockey. No person who has never in weight at the time of application.~~
 - (3) Have ridden in a race at a recognized meeting ~~shall be granted a license as Jockey unless s/he has or~~ satisfactorily worked a horse from the starting gate in company before the Stewards or their representatives. Upon the recommendation of the Stewards, the Commission may issue a Jockey's license granting permission to such person the applicant for the purpose of riding in not more than four races to establish the qualifications and ability of such person the applicant for the license. Subsequently, the Stewards may recommend the granting of a Jockey's license.
 - (4) Pass a physical examination and a baseline concussion test which uses the most current SCAT testing protocol. The examination and test shall be conducted by a licensed physician within twelve (12) months prior to application. Results affirming the applicant's fitness to participate as a Jockey shall be provided by the applicant to the Commission. After licensing, Stewards may require further

examination and may refuse to allow a Jockey to ride, pending results of an examination.

(5) Show competence by providing evidence of any prior licensing and by demonstrating riding ability, which may include participation in up to five (5) races with the prior approval of the Stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the Jockeys and the horsemen at the track. The demonstration of riding ability shall include, but not be limited to:

- (A) Breaking with a horse in company from the starting gate;
- (B) Working a horse in company around the turn and down the stretch;
- (C) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive; and
- (D) Causing a horse to switch leads coming out of the turn.

~~(b) However, each person granted an Amateur Jockey occupation license shall:~~

- ~~(1) be at least 16 years old;~~
- ~~(2) meet all qualification rules for membership to Amateur Riders' Club of the Americas (ARCAS) as contained in the current membership application form.~~
- ~~(3) hold a current amateur riders license from ARCAS and be a current member of ARCAS;~~
- ~~(4) weigh no more than 142 pounds;~~
- ~~(5) not hold a current license as a Jockey or Apprentice Jockey;~~
- ~~(6) submit proof of a satisfactory physical examination given by a person licensed to practice medicine within the previous 12 months. The physical examination shall include visual acuity and hearing examinations. A reexamination of any Amateur Jockey may be required by the Commission or the Stewards at any time. An Amateur Jockey may be prohibited from riding by the Commission or the Stewards until the Amateur Jockey has successfully passed each examination;~~
- ~~(7) wear a properly fastened safety helmet while mounted on a race horse within the enclosure or riding in a race; and~~
- ~~(8) meet all Commission licensing requirements~~

A jockey who is an owner or trainer of a horse competing at a race meeting shall not engage to ride as a jockey at the same race meeting.

325:15-5-17. Qualifications for Apprentice Jockey

(a) An applicant for an Apprentice Jockey license may be prohibited from riding until verification of the applicant's previous riding experience by the stewards or Commission. This prohibition shall not exceed fourteen (14) days.

(b) The conditions of an Apprentice Jockey license shall not apply to quarter horse racing. A jockey's performances in quarter horse racing shall not apply to the conditions of an Apprentice Jockey.

(c) An Apprentice Certificate may be requested from the Stewards on a form provided by the Commission. Each applicant shall be limited to one Apprentice Certificate. If necessary, a duplicate copy may be requested from the issuing Commission.

(d) An applicant with an approved Apprentice Certificate may be licensed as an Apprentice Jockey.

~~(c) An Apprentice Jockey is a race rider who has ridden less than forty (40) winners since first having been licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a Jockey. An Apprentice may be granted an Apprentice certificate issued by the Stewards and filed with the Commission in lieu of a traditional Apprentice contract. An Apprentice may execute a written contract, if a minor with written consent of his/her parents or guardian, to an Owner or Trainer for a period of not less than three nor more than five (5) years. All contracts and transfers of contracts must be approved by the Stewards and filed with the Commission. A contract employer shall not have any interest in the earnings of an Apprentice Jockey. Racing Officials and their licensed assistants and employees shall not directly or indirectly buy or sell any contract upon any Jockey or Apprentice Jockey for himself or any other person. In all overnight races except overnight stake and/or handicaps run exclusively for Thoroughbreds, an An Apprentice Jockey shall ride with a five pound weight allowance beginning with his/her first mount and for one (1) full year from the date of his/her fifth winning mount. If, after riding one (1) full year from the date of his/her fifth winning mount, the Apprentice Jockey has failed to ride a total of forty (40) winners from the date of his/her fifth winning mount, s/he shall continue to ride with a five pound weight allowance for one more year from the date of his/her fifth winning mount, or until s/he has ridden a total of forty (40) winners, whichever comes first. ~~In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted. Only Thoroughbred races at authorized race meetings in the United States, Canada, or Mexico which are reported in the DAILY RACING FORM or other recognized racing publications shall be considered in determining eligibility for license as an Apprentice Jockey~~ The apprentice weight allowance may be waived at the time of entry by the trainer or the trainer's designee with Stewards' approval. If an ~~Apprentice~~ Apprentice Jockey is unable to ride for a period of fourteen (14) consecutive days or more after the date of his/her fifth winning mount because of service in the Armed Forces of the U.S.A., enrollment in an institution of secondary or higher education, or because of physical ~~disablement~~ disability, the Commission may extend the time during which ~~such~~ the apprentice weight allowance may be claimed for a period not to exceed the period ~~such~~ the Apprentice Jockey was unable to ride.~~

325:15-5-20. Program Trainer Prohibited

(a) No licensee shall act as a Program Trainer, nor shall anyone use the services of a Program Trainer. Anyone found to be acting as a Program Trainer or using the services of a Program Trainer ~~is~~ shall be responsible for all violations occurring from participation of the horse(s) entered or raced by that person.

(b) A licensed trainer or individual shall be determined to be acting as a Program Trainer or using the services of a Program Trainer if the licensed trainer or individual:

- (1) Enters into an agreement on behalf of a licensed, unlicensed, ineligible, or suspended person for the sole purpose of completing an entry form for a race;
- (2) Pays an entry, nomination, or starter fee on behalf of a licensed, unlicensed, ineligible or suspended person;
- (3) Claims a horse on behalf of a licensed, unlicensed, ineligible, or suspended person;
- (4) Receives a financial or beneficial interest from a licensed, unlicensed, ineligible, or suspended person for the sole purpose of being listed as the trainer on the official race program; or

(5) Pays any compensation to the licensed, unlicensed, ineligible, or suspended person.

(c) A licensed trainer or individual who violates the provisions of subsection (b) shall be subject to the following penalties:

(1) First offense - six (6) month suspension and a fine of Five Thousand Dollars (\$5,000.00);

(2) Second offense – one (1) year suspension and a fine of Ten Thousand Dollars (\$10,000.00); and

(3) Third offense - penalty shall be determined by the Commission.

(d) Any person who assumes the care, custody, or control of the horses of a licensed, unlicensed, ineligible, or suspended person, shall, upon request, permit Stewards, the Commission, and other law enforcement officers to examine all relevant financial and other records.