

**PART 603  
MEDICATION**

**Section**

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**Section 603.10      Pre-Race Saliva Tests**

- a) The stewards may require that any horse entered to race submit to a pre-race saliva test.
- b) If the pre-race saliva test is positive for a foreign substance, other than those substances authorized for use by Section 603.60 or 603.70, the subject horse shall be scratched and the trainer shall be fined \$100.
- c) A trainer who receives a second positive on a pre-race saliva test shall be suspended for 30 days.
- d) A trainer who receives a third positive on a pre-race saliva test shall be suspended for 180 days.
- e) A trainer who has received three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive thereafter.

### **Section 603.20 Racing Soundness Exam**

Every horse entered to race shall be subjected to a racing soundness exam on race day conducted by an official veterinarian. The State veterinarian shall keep or cause to be kept a continuing health and racing soundness record of each horse examined.

### **Section 603.30 Foreign Substances and Pharmaceutical Aids Banned**

- a) Except as provided in Sections 603.60 and 603.70, no horse participating in a race, or entered to participate in a race and not scratched by the day of the race, shall carry in its body any foreign substance.
- b) No horse participating in a race shall carry in its body any pharmaceutical aids. Although pharmaceutical aids do not contain any pharmacodynamic and/or chemotherapeutic agents, these foreign substances interfere with testing and may mask the presence of other foreign substances.
  - 1) If the laboratory finds a pharmaceutical aid in a post-race test sample of any horses of a trainer, the stewards shall impose a civil penalty not to exceed \$1000.
  - 2) If the presence of the pharmaceutical aid occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.
- c) Any person who knowingly enters a horse in a race that carries in its body during the race any foreign substance, other than those substances listed in Sections 603.60 and 603.70, shall have his/her license suspended or revoked, and may also be subjected to a civil penalty.

### **Section 603.40 Twenty-four Hour Ban**

Except as provided in Section 603.70:

- a) No substance shall be administered to a horse entered to race by hypodermic injection within 24 hours prior to the scheduled post time for the race in which the horse is entered.
- b) No foreign substance shall be administered to a horse entered to race, by oral administration, nasogastric tubing, topical administration that can penetrate the skin, rectal infusion, suppository, or inhalation, within 24 hours prior to the scheduled post time for the race in which the horse is entered.

### **Section 603.50 Trainer Responsibility**

- a) Each trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of this Part.
- b) Each trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and that are administered by his/her veterinarian.
- c) Each trainer has the duty to have each horse trained by him/her in its assigned security stall in accordance with 11 Ill. Adm. Code 436.

### **Section 603.55 Prima Facie Evidence**

A determination by the laboratory of the presence of a foreign substance in a test sample shall constitute prima facie evidence that the trainer has violated Section 603.30(c) or has failed in the duties specified in this Part.

### **Section 603.60 Permitted Use of Foreign Substances and Threshold Levels**

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
  - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
  - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone, flunixin, ketoprofen, pyrilamine, isoxsuprine and the therapeutic medications listed in subsection (f).
  - 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 2 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 20 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category "C" penalty, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; March 2016 version 12.00; this incorporation includes no later amendments or editions).

- 4) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
  - 5) The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:
    - A) Phenylbutazone – in a concentration less than 0.3 mcg/ml in serum or plasma.
    - B) Flunixin – in a concentration less than 3 ng/ml in serum or plasma.
    - C) Ketoprofen – in a concentration less than 1 ng/ml in serum or plasma.
  - 6) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
  - 7) Penalties for violations of this Section shall be based on the following criteria:
    - A) previous warnings and rulings for violations of this Section;
    - B) the age and experience of the violator;
    - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
    - D) what action, if any, was taken to avoid the violation;
    - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
  - c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, or anti-protozoal drugs, may be present in the body of a

horseparticipating in a race.

1) Anti-Bacterials

Amikacin  
Ampicillin  
Ampicillin sodium  
Azolsulfamide  
Chloramphenicol  
Doxycycline  
Enrofloxacin (Baytril)  
Erythromycin sulfate  
Gentamicin sulfate  
Kanamycin sulfate  
Methenamine  
Metronidazole  
Neomycin sulfate  
Nitrofurantoin  
Oxytetracycline  
Penicillin G. Benzathine  
Penicillin G. Potassium  
Sulfadimethozine  
Sulfadimethoxine  
Sulfamethoxazole  
Sulfametranidazole  
Sulfapyridine  
Sulfathiazole  
Tetracycline  
Trimethoprim

2) Anti-Fungals

Amphotericin B  
Griseofulvin  
Neomycin Undecylenate  
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)  
Ponazuril (Marquis)  
Pyrimethamine (Daraprim)

- d) This listing of anti-bacterial, anti-fungal, and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, or anti-protozoal drug, except as provided in subsection (f).

- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; March 2016 version 12.00; this incorporation includes no later amendments or editions).
- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
  - 2) Albuterol – 1 ng/ml in urine.
  - 3) Betamethasone – 10 pg/ml in serum or plasma.
  - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
  - 5) Cetirizine – 6 ng/ml in serum or plasma.
  - 6) Cimetidine – 400 ng/ml in serum or plasma.
  - 7) Clenbuterol – 140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
  - 8) Dantrolene – 100 pg/ml of 5-hydroxydantrolene in serum or plasma.
  - 9) Detomidine – Level of Detection for detomidine in serum or plasma.
  - 10) Dexamethasone – 5 pg/ml in serum or plasma.
  - 11) Diclofenac – 5 ng/ml in serum or plasma.
  - 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
  - 13) Firocoxib – 20 ng/ml in serum or plasma.

- 14) Furosemide – 100 ng/ml in serum or plasma.
  - 15) Glycopyrrlate – 3 pg/ml in serum or plasma.
  - 16) Guaifenesin – 12 ng/ml in serum or plasma.
  - 17) Isoflupredone – 100 pg/ml in serum or plasma.
  - 18) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
  - 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
  - 20) Methocarbamol – 1 ng/ml in serum or plasma.
  - 21) Methylprednisolone – 100 pg/ml in serum or plasma.
  - 22) Omeprazole sulfide – 10 ng/ml in urine.
  - 23) Prednisolone – 1 ng/ml in serum or plasma.
  - 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma.  
Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
  - 25) Ranitidine – 40 ng/ml in serum or plasma.
  - 26) Triamcinolone acetonide – 100 pg/ml in serum or plasma.
  - 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain the following drug substance, or its metabolites, in a concentration less than the threshold level:
- 1) Isoxsuprine shall be less than 1,000 ng/ml in urine.
  - 2) Pyrilamine shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.

- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method and route of administration.

### **Section 603.70 Furosemide**

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome, this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
- b) Eligibility for Furosemide Treatment

A horse is eligible to race with furosemide if at least one of the following occurs:

- 1) The horse is on the Illinois Furosemide List and has complied with subsection (c);
- 2) The horse is on the Illinois Bleeder List and has complied with subsection (d);
- 3) The trainer provides the State Veterinarian or his or her designee with evidence that the horse is on the Furosemide List or Bleeder List in another racing jurisdiction. Acceptable evidence shall be a furosemide or bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the furosemide or bleeder certificate;
- 4) The trainer provides the State Veterinarian or his or her designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as

shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for standardbreds shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

c) Furosemide List

Furosemide shall be administered to a horse that is entered to race only after the State Veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide

List, the following process shall be followed:

- 1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the State Veterinarian or his or her designee, using the prescribed form provided by the Board, that they wish the horse to be placed on the Furosemide List.
- 2) The form must be received by the State Veterinarian or his or her designee no later than the time of entry to ensure public notification prior to race participation.
- 3) A horse placed on the Furosemide List must remain on that list until the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the State Veterinarian or his or her designee, on the proper form, no later than the time of entry.
- 4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined, in consultation with the State Veterinarian, to be detrimental to the welfare of the horse. If a horse is removed from the Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

d) Bleeder List

- 1) The State Veterinarian shall maintain a Bleeder List of all horses that have demonstrated:
  - A) External evidences of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by an official veterinarian.
  - B) Internal evidences of exercise induced pulmonary hemorrhage via endoscopy reported by a licensed practicing veterinarian on a Board approved form.
- 2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:
  - A) First incident – 14 days;
  - B) Second incident within a 365 day period – 30 days;
  - C) Third incident within a 365 day period – 180 days;
  - D) Fourth incident within a 365 day period – Barred from racing for its lifetime.
- 3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled is the first day of the recovery period.
- 4) After the expiration of the barred periods in subsections (d)(2)(A), (B) and (C), a horse must perform a workout, without bleeding, to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- 5) All horses on the Bleeder List that are eligible to race shall be administered furosemide pursuant to subsection (f).

e) Furosemide Administration

- 1) All horses on the Furosemide List must be treated with furosemide in order to be permitted to participate in a race. Test results must show a detectable concentration of the drug in the post-race urine sample if a horse is on the Furosemide List.

- 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes prior to the scheduled post time of the race in which a horse is entered.
  - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 500 mg of furosemide by single intravenous injection and shall verify the administration on Board prescribed affidavits no later than one hour prior to the post time for the race for which the horse is entered.
  - 4) The trainer or his or her licensed employee shall witness the furosemide administration.
  - 5) The administration of furosemide may take place in the horse's own stall or in a centralized location.
  - 6) Failure to administer furosemide in accordance with subsection (e)(2) may result in the horse being scratched from the race by the Stewards and the trainer may be fined not less than \$200 and not more than \$500.
- f) Removal from Bleeder List
- 1) Once a horse is placed on the Bleeder List, it must continue to race with furosemide unless the removal from the list is approved by the State Veterinarian. The State Veterinarian may remove a horse from the Bleeder List upon written request of the trainer if the horse's performance is negatively affected by the use of furosemide or if the horse has an adverse physiological reaction to furosemide.
  - 2) Once removed from the Bleeder List, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A standardbred horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the State Veterinarian approves the removal of the horse from the Bleeder List. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- g) Absence of Furosemide

In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1,500.

h) Excessive Use of Furosemide

- 1) The test level for furosemide shall be less than 100 ng/ml in serum or plasma. A horse shall not carry in its body an amount of furosemide greater than or equal to 100 ng/ml in serum or plasma, in conjunction with urine that has a specific gravity of less than 1.010.
- 2) If the laboratory reports an official test sample of furosemide greater than or equal to 100 ng/ml and specific gravity less than 1.010, the trainer shall be subject to the following penalties:
  - A) For a first offense, the trainer shall be fined \$250;
  - B) For a second offense within a 365 day period after the first offense, the trainer shall be fined \$500;
  - C) For a third or subsequent offense within a 365 day period after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
- 3) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6).

i) Trainer's Responsibilities for Horses on the Furosemide List

- 1) The trainer shall be responsible for:
  - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
  - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
  - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
  - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;

- E) posting a “Security Stall” sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
    - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
  - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection ( i).
- j) Veterinarian’s Responsibilities
- 1) The practicing veterinarian shall be responsible for:
    - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
    - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
  - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection ( j).
- k) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the “security stall” to engage in exercise blow-outs or warm-up heats.
  - 2) The barn area is a secure area and shall be under the supervision of the Board.
  - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
  - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board’s

laboratory for analysis.

- 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- l) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

### **Section 603.75 Environmental Contaminants**

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse, or are recognized as substances of human use and addiction and that could be found in the horse due to its close association with humans:

- a) Benzoyllecgonine (a metabolite of cocaine):
  - 1) Each time the laboratory reports benzoyllecgonine in a concentration less than 150 ng/ml in urine the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to 11 Illinois Adm. Code 508.50.
  - 2) Laboratory reports of benzoyllecgonine in a concentration greater than or equal to 150 ng/ml in urine shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).
- b) Caffeine:

Laboratory reports of caffeine in a concentration greater than or equal to 100 ng/ml in urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).
- c) Theobromine:

Laboratory reports of theobromine in a concentration greater than or equal to 2 mcg/ml in urine shall be treated as a Class 4 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).

### **Section 603.80 Possession of Needles, Syringes and Injectables Prohibited**

- a) No person, except a veterinarian, shall have in his possession, within any race track enclosure, any hypodermic syringe, needle or any other instrument capable of being used for the injection of any chemical substance into any horse, except as provided herein.
- b) Any person may possess, on the grounds of an organization licensee, any hypodermic syringe or needle for the purpose of administering to himself a chemical substance provided that a person has notified the state stewards in writing:
  - 1) of the possession of such device,
  - 2) of the size of such device, and
  - 3) of the chemical substance to be administered by such device.
- c) No person, except a veterinarian, shall have in his possession on the grounds of an organization licensee, any substance prepared for the purpose of being injected into any animal or human, except as provided in this subsection (c). Any person may possess, on the grounds of an organization licensee, any chemical substance for use on his/her own person, provided that, if such chemical substance is a prescription drug, such person is in possession of documentary evidence that a valid prescription for such prescription drug has been issued to such person.

### **Section 603.90 Drugs, Chemicals and Prescription Items**

- a) No veterinarian or any other person shall have in his or her possession or administer to any horse within any race track enclosure any chemical substance that:
  - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.) and implementing regulations, without prior written approval from the State Veterinarian and Executive Director or his or her designee;
  - 2) is on any of the schedules of controlled substances prepared by the Attorney General of the United States pursuant to 21 USC 811 and 812, without prior written approval from the State Veterinarian and Executive Director or his or her designee; or
  - 3) the possession and/or use, on the premises of a facility under the

jurisdiction of the Board, of any drug, substance or medication specified in this subsection (a)(3) for which a recognized analytical method has not been developed to detect and confirm its administration, or the use of which may endanger the health and welfare of the horse or the safety of the rider or driver.

- A) Erythropoietin (EPO)
  - B) Darbepoietin
  - C) Snake venom
  - D) Snail venom
  - E) Bee Venom
- b) The State Veterinarian and Executive Director or his or her designee shall not give approval under subsection (a) unless the person seeking approval can produce evidence in recognized veterinary journals or by recognized equine experts that the chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his or her possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
- 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued for the prescription drug;
  - 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
  - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

### **Section 603.100 Detention Barn**

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State Veterinarian. The detention barn shall satisfy standards prescribed by the State Veterinarian and shall be approved by the Board. In addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. The guard shall remain on duty until the last specimens have been taken for that racing day. All persons who wish to enter

the detention barn area must be a minimum of 16 years old, be currently licensed by the Board and have a legitimate reason for being in the detention barn area.

#### **Section 603.110 Test Samples**

- a) The winning horse in every race and any other horse or horses selected at the discretion of the stewards, shall have taken from it test samples.
- b) Any person having the care, custody, and/or control of any horse who shall refuse to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- c) Test samples shall be taken under the supervision of the State veterinarian by persons appointed by the Board. During the taking of such test samples, the owner or trainer or his/her representative or employee shall be present at all times.
- d) The test samples shall be sealed by the State veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or his/her agent or employee.

#### **Section 603.120 Referee Samples**

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board laboratory.
- b) If the owner, trainer or other person charged with a violation of this Section desires to send the referee sample to another laboratory for testing, the cost of shipment and of testing at another laboratory shall be borne by the person requesting the additional tests.
- c) If the owner, trainer or other person charged with a violation of this Section desires additional testing to be performed by the Board laboratory, the cost of the testing shall be borne by the person requesting the additional tests.
- d) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

#### **Section 603.130 Laboratory Findings and Reports**

- a) If the laboratory determines that a foreign substance, or any metabolite thereof, is a constituent in a test sample, the laboratory shall report such determination

to the Executive Director of the Board, the stewards and to the state veterinarian.

- b) If the laboratory analysis of a test sample is concluded after the end of a meet in which the test sample was taken, the laboratory shall make its report or finding to the Executive Director of the Board. The Executive Director shall refer such report or finding to the stewards at another race meeting or directly to the Board. In making such referral, the Executive Director shall consider the location of the trainer, the availability of stewards, and the Board's schedule for hearings.

#### **Section 603.140 Distribution of Purses**

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed within 72 hours. However, as a convenience to horsemen, all purse money shall be distributed no later than 72 hours after a race, unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.
- c) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Executive Director shall order it returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.
- d) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish, except as provided in Section 603.160. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- e) If no positive laboratory report has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however,

positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Sections 603.50, 603.60, or 603.70.

- f) If a positive laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded.

### **Section 603.150 Post Mortems**

- a) Every horse which suffers a breakdown on the race track in training or in competition, and is destroyed, and every other horse which expires while stabled on the race track under the jurisdiction of the Board, shall undergo post-mortem examination at a time and place acceptable to the official veterinarian to determine the injury or sickness which resulted in euthanasia or natural death, except as provided herein:
  - 1) In the case of breakdowns, an examination of the affected area by a licensed veterinarian in the presence of, and in consultation with, the official veterinarian shall be sufficient; however, test samples shall be required.
  - 2) A post-mortem shall not be required if in the opinion of the State veterinarian a post-mortem is impractical or not necessary; however, test samples shall be required.
  - 3) Post-mortems shall not be required when death is due to fire.
- b) The post-mortem examination required under this Section shall be conducted by a veterinarian employed by the owner or the horse's trainer in the presence of and in consultation with an official veterinarian.
- c) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the Illinois Racing Board laboratory for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine samples should be procured prior to the euthanasia.
- d) The owner of the deceased horse shall make payment of reasonable charges due to the veterinarian employed to conduct the post-mortem examination. The services of the State veterinarian and the laboratory testing of post-mortem samples shall be made available by the Board without charge to the owner.
- e) A record of every such post-mortem shall be filed with the State veterinarian, or with the Board if the race meeting has ended, by the owner's veterinarian within 72 hours of the death and shall be submitted on a form supplied by the Board.

- f) Each owner and trainer accepts the responsibility for the post-mortem examination provided herein as a requisite for maintaining the occupational license issued by the Board.

### **Section 603.160 Penalties**

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be redistributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
  - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
  - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
  - 3) the age and experience of the violator;
  - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
  - 5) what action, if any, was taken by the violator to avoid the violation;
  - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
  - 1) The horses on the stable list shall be placed on the Steward's List unless:
    - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and

- B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
- 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
  - 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.60 and 603.70, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
  - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.75 and 603.60(c), upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
  - 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
    - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
    - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
    - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
    - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
    - E) The criteria set forth in subsection (b).
  - 4) The provisions of this subsection (e) shall be applied retroactively

when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

#### **Section 603.170 Veterinarian's Records**

- a) All veterinarians licensed by the Board shall maintain records which accurately reflect: all purchases of medication, name of each horse treated, date of the treatment, method of administration, and prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners.
- b) These records shall be retained for at least three years and shall be made available for inspection upon request of the Board or its representative.

#### **Section 603.180 Carbon Dioxide Tests**

- a) The Board recognizes that an excess level of total carbon dioxide (TCO<sub>2</sub>) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state.
- b) Blood samples for TCO<sub>2</sub> levels may be drawn pre-race and/or post-race.
- c) The TCO<sub>2</sub> level in the blood shall be less than 37.0 millimoles per liter, plus the measurement uncertainty of the laboratory analyzing the sample.
- d) In the event a blood sample from a horse contains an amount of TCO<sub>2</sub> that is equal to or exceeds the levels described in subsection (c), the following penalties shall apply:
  - 1) The first time the laboratory reports an excessive TCO<sub>2</sub> level, the trainer shall be fined not less than \$500 and not more than \$1,000, the purse shall be redistributed and the trainer shall be ordered suspended for at least 15 days but not to exceed 60 days. In addition, the horse shall be subject to "early detention" for a period identical to the length of the trainer's suspension. Early detention in Illinois shall be defined as pre-race guarded quarantine, on the grounds of the Illinois organization licensee, beginning no less than 6 ½ hours prior to the scheduled post time for the horse's race.
  - 2) The second time the laboratory reports an excessive TCO<sub>2</sub> level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 30 days but not to exceed 180 days and fined not less than \$1,000

and not more than \$2,500 and the purse shall be redistributed. In addition, the horse shall be subject to early detention in Illinois for a period identical to the length of the trainer's suspension.

- 3) For a third or subsequent report of an excessive TCO<sub>2</sub> level in a 365 day period in any jurisdiction, the trainer shall be ordered suspended for at least 60 days but not to exceed 365 days and fined not less than \$2,500 and not more than \$5,000 or 5% of the purse (greater of the two) and the purse shall be redistributed. The horse shall be subject to early detention in Illinois for a period identical to the length of the trainer's suspension. In addition, absent mitigating circumstances, the owner shall be fined \$5,000.
- e) If the levels of TCO<sub>2</sub> are determined to equal or exceed those set forth in subsection (c), and the licensed owner or trainer of that horse contends in writing to the stewards within 24 hours after notification of the results that such levels are physiologically normal for that particular horse, the licensee may, by such writing, request that the horse be held in quarantine. In the event quarantine is requested, the organization licensee shall make guarded quarantine available, for a period of time to be determined by the stewards but in no event more than 72 hours, at the sole expense of the licensee. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during the quarantine period, it shall be exercised and trained at times prescribed by the organization licensee, consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period, that the level of TCO<sub>2</sub> set forth in subsection (c) is physiologically normal for that particular horse, the stewards shall not order the penalty set forth in subsection (d).
- f) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing. Split sample analyses of TCO<sub>2</sub> must be run in parallel with the official sample at the official laboratory in order to avoid delays in testing that result in lower TCO<sub>2</sub> values as a result of sample degradation.

### **Section 603.190 Erythropoietin and Darbepoietin Antibody Testing Program**

A finding by the Illinois Racing Board Equine Testing Laboratory, or other Board-approved laboratory, that a pre-race or post-race sample taken from a horse entered to start in a race has high titers of antibodies against erythropoietin or darbepoietin, utilizing the anti-recombinant human EPO antibody test, shall establish that the horse is unfit to race in any subsequent race and shall result in the following actions by the Board:

- a) The Stewards shall be notified of the name of the horse for placement on the Stewards' list. The horse shall not be entered or allowed to race in any

subsequent race until the horse has tested negative for the antibodies of erythropoietin or darbepoietin. An owner or trainer whose horse has tested positive for high titers of erythropoietin or darbepoietin antibodies may not request the horse be retested until 21 days following the date of the initial positive test.

- b) All requests after the initial positive test for the retesting of a horse shall be in writing and directed to the Stewards, accompanied by a \$50 payment for administrative and testing costs. Following receipt of a timely request for retesting, the presentation of the horse at a permitted racetrack premises in the State of Illinois approved by the Stewards, and the receipt of the \$50 retesting fee, the Stewards shall direct the State Veterinarian to take a blood sample from the horse for the purpose of retesting.
- c) A horse shall not be subject to disqualification from the race, or from any share of the purse in the race, nor shall the trainer of the horse be subject to a penalty based solely upon a finding by the laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from that horse.
- d) A horse that tests positive with the anti-recombinant human EPO antibody test remains subject to the requirements of this Section despite being sold or otherwise transferred.
- e) The split sample testing provisions of Section 603.120 shall not be applicable to erythropoietin or darbepoietin antibody testing conducted pursuant to this Section.

### **Section 603.200 Out of Competition Testing**

- a) Any horse on the grounds of a racetrack under the jurisdiction of the Board, or stabled off-track, while under the care or control of a trainer or owner licensed by the Board, is subject to testing for blood and/or gene doping agents, with reasonable notice. This Section does not apply to therapeutic medications approved by the FDA for use in the horse.
- b) Horses to be tested may be selected at random, with probable cause, or as determined by the Board for out of competition testing. The trainer is responsible to have the horse or horses available at a designated time and location (racetrack).
- c) The Board Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the Board, may, at any time, take a urine, blood or hair sample from a horse for out of competition testing.
- d) Prohibited substances, practices and procedures are defined as:

- 1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, oxyglobin, hemopure, aranesp, or any substance that abnormally enhances the oxygenation of body tissues.
  - 2) gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.
- e) Cooperation with the Board Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the Board, includes:
- 1) assisting in the immediate location and identification of the horse selected for out of competition testing;
  - 2) providing a stall or safe location to collect the samples;
  - 3) assisting the veterinarian in properly procuring the samples; and
  - 4) obeying any instructions necessary to accomplish the requirements of this Section.
- f) Referee samples will be collected pursuant to Section 603.120.
- g) The Board may suspend, exclude and/or otherwise penalize any licensee or other person who does not fully cooperate with a Board employee or representative while taking action to enforce this Section.
- h) Out of competition samples will be sent to the official laboratory of the Board, or other laboratory as designated by the Board.

#### **Section 603.210 Androgenic - Anabolic Steroids (AAS)**

- a) No AAS shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances nandrolone, boldenone and testosterone at concentrations less than the threshold levels indicated in subsection (b).
- b) Concentrations of these AAS shall be less than the following free (i.e., not conjugated) steroid concentrations in plasma or serum:
  - 1) Boldenone – shall be less than 25 pg/ml for all horses regardless of sex.
  - 2) Nandrolone – shall be less than 25 pg/ml for geldings, fillies and mares. Male horses other than geldings will not be tested.

- 3) Testosterone – in fillies, mares, and geldings – shall be less than 25 pg/ml.
  - ii) In fillies and mares – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.
  - iii) In male horses other than geldings –confirmatory threshold no greater than 2,000 pg/ml in serum or plasma.
- c) All other AAS are prohibited in racing horses.
- d) The sex of the horse must be identified to the laboratory on all pre-race and post-race samples.
- e) If an anabolic steroid has been administered to a horse in order to assist in the recovery from illness or injury may be placed on the Veterinarian’s List in order to monitor the concentration of the drug or metabolite in serum or plasma. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 7570, effective August 25, 2009; emergency amendment at 35 Ill. Reg., effective December 17, 2010 for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. effective May 23, 2011; amended by emergency rulemaking at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434,

effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 36 Ill. Reg. 330, effective January 1, 2012, emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; amended by emergency rulemaking at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. \_\_\_\_\_, effective July 1, 2016.

**PART 605**  
**HORSE HEALTH**

**Section**

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|--------|--|
| 605.10 | State Veterinarian and Veterinarian's List |
| 605.20 | Report Deceased and Sick Horses            |

605.30	Observe Sanitary, Safety, Humane Rules
605.40	Valid Health Certificate
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605.60	Equine Herpesvirus (EHV-1)
605.70	Sterile Equipment and Disposable Needles
605.80	Bandages
605.90	Humane Treatment of Horses
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**Section 605.10 State Veterinarian and Veterinarian's List**

- a) The State Veterinarian shall report to the Stewards all examinations and inspections of any horse or premises under the jurisdiction of the Board.
- b) The State Veterinarian shall establish procedures, relative to this Part, that will govern all practicing veterinarians at the race track.
- c) The State Veterinarian shall be consulted about any alleged violations of this Part. Investigations will be made and reported promptly to the Board. The Board shall suspend or revoke the license of any person violating this Part.
- d) The State Veterinarian shall maintain a veterinarian's list and any horse excused through sickness or disability shall be placed on the list. Any horse placed on the list shall not be permitted to enter or start in a race until its name is removed from the list.
- e) In thoroughbred racing, horses shall remain on the veterinarian's list at least five calendar days, unless, in the opinion of the State Veterinarian its name should be removed earlier. A workout at a distance specified by the State Veterinarian may be required prior to removing a horse from the list.
- f) At the close of each meeting, the State Veterinarians shall make a written report to the Board of the conditions of the meeting and any recommendations they deem advisable.

**Section 605.20 Report Deceased and Sick Horses**

- a) The attending veterinarian and the trainer shall report immediately to the State Veterinarian:
  - 1) Castrations, neurectomies, and all major surgical procedures.
  - 2) Contagious and "exotic" appearing diseases.
  - 3) Deceased horses.

- 4) Sick or disabled horses.
- b) No deceased or sick horse may be removed from the grounds of a licensed race track operator without the prior approval of the State Veterinarian's office.

#### **Section 605.30 Observe Sanitary, Safety, Humane Rules**

A trainer shall see to it that the stables and immediate surrounding area assigned to him or her are sanitary at all times and that the humane laws of the State of Illinois are observed, and that the fire prevention rules (especially no-smoking in the stable area) are strictly observed at all times. Constant misuse of property will be considered when stall assignments are made.

#### **Section 605.40 Valid Health Certificate**

A certificate of veterinary inspection and entry permit are not required for Illinois equine. Illinois equine traveling out of the State, for 30 consecutive days or less, on an Illinois certificate of veterinary inspection are not required to obtain a permit to return home. If, however, Illinois equine are out of the State longer than 30 days (i.e., boarding, training), a certificate of veterinary inspection issued by the state where the animal has been residing and an entry permit will be required. Once an animal has been out of the State longer than 30 days, it is no longer recognized as being an Illinois native animal. All equine entering Illinois for any reason other than slaughter must be accompanied by a negative test for equine infectious anemia (EIA) conducted within a year if the animal is more than one year of age, certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to entry, and an entry permit number issued by the Illinois Department of Agriculture. The organization licensee shall be responsible for compliance with this Section.

#### **Section 605.50 Coggins Test**

Horses racing in Illinois must have a negative ELISA test (Coggins test) for equine infectious anemia (EIA) done at least once every 12 months. A current negative test certificate from a laboratory, approved by the U.S. Department of Agriculture, must be on file with the Racing Secretary. Trainers or owners shall not enter or start a horse unless the horse has a current negative Coggins test certificate on file with the Racing Secretary. Trainers or owners that do so shall be fined pursuant to the Illinois Horse Racing Act of 1975. Horses having a positive Coggins test must be removed from the race track under the direction of the State Veterinarian.

#### **Section 605.60 Equine Herpesvirus (EHV-1)**

All horses, including ponies, entering or stabling on the grounds of any pari-mutuel racetrack in Illinois shall have documented proof of EHV-1 vaccination administered within the prior 180 days. No entries shall be accepted by the Racing Secretary without documented proof of a current EHV-1 vaccination. The Racing Secretary shall maintain

records to substantiate current vaccinations of all horses entering or stabling on the grounds.

**Section 605.70 Sterile Equipment and Disposable Needles**

- a) Veterinarians practicing on a race track where a race meet is in progress or imminent shall use one time disposable needles and shall dispose of them in an approved manner. All types of instruments used on horses, including surgical, tattooing, dental and similar items, must be properly cleaned and sterilized.
- b) No person, other than a licensed veterinarian may have a needle or syringe of any kind, type or description, or an injectable drug, on his or her person or in his or her custody, or in the control, custody or possession of any of his or her employees.

**Section 605.80 Bandages**

The paddock judge or paddock veterinarian shall inspect bandages just prior to the participation in a race of the horse on which they are used. The judge or veterinarian may order removal and replacement of bandages if they see fit to do so. Any circumstances in the use of bandages that indicate fraud shall be reported to the Stewards. In thoroughbred racing, cold water bandages, ice-boots, or bandages of a similar nature must be removed when a horse enters the paddock for a race and may not be used for racing purposes.

**Section 605.90 Humane Treatment of Horses**

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

**Section 605.100 Pest Control and Clean Equipment**

- a) The race track operator shall maintain systematic, effective control against flies, mosquitoes, other insects and rats at all times during a meeting. Horses must be stabled in individual box stalls with appropriate feeding and watering facilities. Stables and immediate surrounding areas must be disinfected and kept in a sanitary condition at all times. Satisfactory drainage must be provided and manure and other refuse must be promptly and properly removed. These regulations apply to any stabling areas that the Board has approved for the race track operator. The Board or its official representatives will make periodic inspections of a track. Failure to comply with sanitary practices or to provide any pest control will result in loss of

racine dates.

- b) The race track operator shall maintain paddocks, starting gates and other equipment subjected to contact by different animals so that they are disinfected, kept in a clean condition, and kept in a safe condition that does not endanger animals.

SOURCE: Adopted at 31 Ill. Reg. 16505, effective December 1, 2007.

**PART 719**  
**STARTER ALLOWANCE RACES**

**Section**

719.20 Starter Allowance Races

**Section 719.20 Starter Allowance Races**

A starter allowance race is a race based upon a horse having previously started for a specified claiming price. The racing Secretary may establish other conditions, such as a qualifying date, for a starter allowance race.

SOURCE: Adopted and codified at 7 Ill. Reg. 5228, effective April 1, 1983; amended at 24 Ill. Reg. 12728, effective August 1, 2000.

**PART 720**  
**THOROUGHBRED OFF TRACK STABLING RULES**

**Section**

720.10	Definitions
720.20	Filing for Permission to Operate
720.30	Time Limitation
720.40	Jurisdiction of the Board
720.50	Registration With Racing Secretary Required
720.60	Who May Apply
720.70	Licensing of Facility and Personnel
720.80	Board Rules and Regulations Apply
720.90	Criteria for Approval
720.100	Participation in Races

**Section 720.10 Definitions**

"Off-track stabling" means any farm, any Illinois race track not licensed by the Board in the current calendar year, or any other location designated and approved for the purpose of stabling horses to be raced at a race track under the jurisdiction of the Board. The grounds of organization licensees in Illinois and recognized meetings in other jurisdictions shall not be considered off-track stabling.

**Section 720.20 Filing for Permission to Operate**

Permission to operate an off-track stabling facility shall be obtained by first filing at the Board's central office an application in a form prescribed by the Board.

**Section 720.30 Time Limitation**

Approval of off-track stabling shall be applicable for one calendar year and must be renewed each year.

**Section 720.40 Jurisdiction of the Board**

Any area approved by the Board as off-track stabling shall be considered an extension of on-track stabling and will come under the jurisdiction of the Board and the stewards.

**Section 720.50 Registration With Racing Secretary Required**

Any horse stabled at Board-approved off-track stabling must be registered with the Racing Secretary before that horse's entry will be accepted.

### **Section 720.60 Who May Apply**

Application for approval of facilities for off-track stabling shall be made by the owner or lessee of the premises. "Lessee" shall be defined, for purposes of these rules, as the person or persons who lease the entire premises and shall not apply to the leasing of stalls only. A copy of the lease shall be provided with the application filed with the Board.

### **Section 720.70 Licensing of Facility and Personnel**

Off-track stabling facilities shall be considered vendors and shall be subject to all relevant licensing rules. All stable personnel employed at off-track stabling facilities shall be licensed.

### **Section 720.80 Board Rules and Regulations Apply**

Off-track stabling shall be subject to Board rules and regulations except that:

- a) The Illinois Race Track Rules for Fire Safety (Chapter B3 of the combined Rule Book; Ill. Adm. Code Part 403) shall not be applicable; however, an off-track stabling facility shall be reasonably equipped for fire safety.
- b) The sanitation rules for employee living quarters shall not be applicable.

### **Section 720.90 Criteria for Approval**

Facilities for off-track stabling must be suitable for developing and bringing a horse to racing fitness, and this determination shall be made by an inspector of the facilities who shall be designated by the Board or the board of Stewards. Criteria for determining suitability shall include, but not be limited to, the following:

- a) An area for exercising or training;
- b) An adequate water supply;
- c) An adequate method of manure and rubbish removal;
- d) A comfortable, well lighted and properly ventilated barn;
- e) Accessibility to a veterinarian.

### **Section 720.100 Participation in Races**

No horse shall be permitted to enter any pari-mutuel event unless stabled at a Board licensed facility.

SOURCE: Adopted at 5 Ill. Reg. 1896, February 27, 1981; effective February 17, 1981; codified at 5 Ill. Reg. 10916; amended at 15 Ill. Reg. 5755, effective April 4, 1991.

**PART 1302  
LICENSING**

**Section**

1302.90	Possession of Credentials
1302.100	Unauthorized Use of Credentials
1302.110	Hearing on License Suspension
1302.200	Absence of Trainers
1302.230	Licensed Concessionaire

**Section 1302.90 Possession of Credentials**

All licensees shall carry on their person at all times within the stable area of a racetrack their Board photo identification badge. Every person so identified is subject to examination by the Board or its agents or employees, and by officials of the race track operator, or its designated agents or employees, at any time they may deem necessary or proper. The Board may require visible display of a license in a restricted area. A license may only be used by the person to whom it is issued.

**Section 1302.100 Unauthorized Use of Credentials**

No participant shall permit any unauthorized person or persons to use his badge or credentials for entering into any part of the race track. Any licensee who violates this rule is liable to suspension or a fine not to exceed \$200, or both, and if he continues to violate the rule, he may be ruled off or otherwise punished, as the stewards may decide.

**Section 1302.110 Hearing on License Suspension**

- a) If the stewards at any race meeting shall suspend a license of any horse owner, trainer, driver, groom, stable foreman, veterinarian, or other occupation licensee, the license of said person shall be suspended, pending a hearing of the Board.
- b) A ruling or recommendation of the stewards shall be presumed correct and the election of a party who is subject of the same to forego an appeal provided here in during the prescribed time period, may be considered by the Board as a waiver of rights and an admission that said ruling or recommendation is correct and should be affirmed.

**Section 1302.200 Absence of Trainers**

When any licensed trainer is absent from a racing meet for more than six days, it shall be the duty of the owner to appoint and have properly licensed a new trainer of record.

### **Section 1302.230 Licensed Concessionaire**

No license shall be issued to conduct a racing meeting unless, prior to the commencement of such meeting, the applicant for such license has obtained the services of a concessionaire licensed by the Board to provide adequate food and drink services for race track patrons or is providing such services itself.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10919; emergency amendment at 6 Ill. Reg. 9713, effective July 27, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 13789, effective October 25, 1982; amended at 11 Ill. Reg. 20207, effective December 1, 1987; amended at 33 Ill. Reg. 6704, effective May 1, 2009.

## **PART 1303 VIOLATIONS**

### **Section**

1303.10	Violators
1303.20	Penalties
1303.30	Attempt at Violations
1303.40	Who May Impose Penalties
1303.50	Payment of Fines
1303.60	Unpaid Fines
1303.70	Financial Responsibility

### **Section 1303.10 Violators**

Any person licensed by the Illinois Racing Board or any person violating any of its Rules and Regulations shall be liable to the penalties herein provided, unless otherwise limited in the Rules and Regulations of the Board.

### **Section 1303.20 Penalties**

Possible penalties for violation of the Rules and Regulations of the Board are as follows:

- a) Denial, revocation or suspension of license,
- b) Monetary fines not exceeding \$5,000. for each violation,
- c) Suspension from one or more activities at one or more tracks,
- d) Expulsion from pari-mutuel harness racing in Illinois, or
- e) Forfeiture or return of purses won.

### **Section 1303.30 Attempt at Violation**

Any attempt to violate any of the Rules and Regulations falling short of actual accomplishment shall constitute an offense and shall be punishable as herein provided, as if consummated.

### **Section 1303.40 Who May Impose Penalties**

Penalties for violation of any rule of the Board may be imposed by the Board, state stewards or judges presiding at each licensed harness race meeting.

### **Section 1303.50 Payment of Fines**

Payment of a fine directly or indirectly by a person other than the person upon whom it is imposed is prohibited and will be unacceptable to the Board.

### **Section 1303.60 Unpaid Fines**

All persons who shall have been fined under these rules shall be suspended until said fine is paid in full.

### **Section 1303.70 Financial Responsibility**

- a) A creditor who alleges an unpaid obligation or default in obligation directly relating to horse racing (e.g., hay vendors, tack shops and veterinarians) may submit to the Board a court judgment describing the same. The stewards shall notify the licensee that a judgment has been filed with the Board and he/she shall have 30 days to satisfy said judgment.
- b) In the event the licensee appeals the court judgment within 30 days, the stewards shall not take any action against the licensee. If after the 30 days the judgment remains unsatisfied and no further court action has been initiated, the stewards shall have the power to suspend the licenses or deny the pending license application.
- c) The creditor shall file a Release (or Satisfaction) of Judgment with the stewards when the obligation has been satisfied. Failure on the part of the creditor to file the Satisfaction of Judgment shall result in a civil penalty, not to exceed \$500.00.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10921; amended at 17 Ill. Reg. 12437, effective July 15, 1993.

**PART 1305**  
**RACE TRACK OPERATORS AND THEIR DUTIES**

<b>Section</b>	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions (Repealed)
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1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
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1305.180	Judges' Stand
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1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
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1305.310	Backstretch Paging System
1305.320	Admissions (Repealed)
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks (Repealed)
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change

**Section 1305.10 Definition of Race Track Operator**

The term "operator" means an individual, firm, racing association, partnership, corporation, trustee or legal representative, licensed to conduct harness race meets under the provisions of the Illinois Horse Racing Act of 1975.

### **Section 1305.20 Application**

Application for licenses to conduct harness racing meets shall be made on forms furnished by the Board. Such applications shall be verified under oath. If circumstances change or events occur after the application is filed so that the application no longer presents the correct facts, the applicant shall submit an amended answer to the question of the application form so affected.

### **Section 1305.30 Time for Filing Applications**

- a) All applications for licenses to conduct race meetings for each calendar year shall be filed with the Board prior to November 1 of any year. The Board may receive applications at a subsequent date if unusual need can be proven to the Board's satisfaction.\*
- b) When the Board approves an application and notifies said applicant of its approval, that applicant shall within 10 days after receipt of the written notice of approval deliver to the Board the total per diem fee for the entire race meeting and file with the Board the bond required by section 20 (j) of the Illinois Harness Racing Act of 1975.
- c) Failure to comply with the 10 day time limit shall cause the application for license to be considered withdrawn and of no effect.

\*(Editor's Note: Section 20 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-20) provides that subsequent to November 1975 applications shall be filed with the Board prior to September 1 of the year in which application is made.)

### **Section 1305.40 Conditions of License**

Imposed on each race track operator is the duty of enforcing the Rules and Regulations imposed by the Board under which the licenses are granted, the Board reserving the right to amend, alter or repeal any rule, regulation or condition herein imposed or to supplement said Rules and Regulations by giving the race track operator three days' notice, except where shorter notice is herein otherwise provided.

### **Section 1305.50 Written Disclosure**

Prior to November 1 of any year, all officers, directors, creditors, and substantial owners of any beneficial interest of every association, corporation or other business entity desiring to hold or conduct a race meeting within the State of Illinois during any calendar year shall make a written disclosure on forms prescribed by the Board for approval of their participation in racing in the State of Illinois. Said forms shall be submitted under oath as prescribed in the form. A person owning 5 per cent or more of the equity of an applicant for racing dates shall be considered a substantial owner for the purposes of this rule. A person extending credit for more than one year or extending credit in excess of \$10,000 for less than one year, but more than 30

days, shall be considered a creditor for purposes of this rule, provided that, a horseman to whom moneys are owed as reflected in accounts maintained by the horsemen's bookkeeper shall not be considered a creditor.

#### **Section 1305.55 Written Disclosure for Corporations**

Where a corporation owns 25 percent or more of the equity of an applicant for dates, holders of 10 per cent or more of its capital stock shall make written disclosure under these rules and regulations on the forms prescribed; provided, however, that this rule shall not apply to any corporation, the securities of which are registered with the Securities and Exchange Commission pursuant to the Securities Act of 1933 and the rules and regulations issued thereunder. Corporations qualifying under this exemption shall file with the Board copies of all papers filed with the Securities and Exchange Commission.

#### **Section 1305.60 Notice of Changes**

Within 10 days after election, appointment, acquisition of substantial ownership, or extending of credit, the Board shall be notified of the identity of each new officer, director, substantial owner, or creditor of a race track operator. Each new officer, director, substantial owner, or creditor shall make a written disclosure to the Board on forms prescribed by the Board for approval of their participation in racing in Illinois.

#### **Section 1305.80 Termination of License**

Racing dates and the license to conduct a horse race meeting are deemed personal in nature and non-transferable, and will terminate upon a substantial change of ownership of the race track operator, unless the Board has granted prior approval. The sale or transfer of 25 per cent or more of the equity of a race track operator shall be considered a substantial change of ownership.

#### **Section 1305.90 Wagering on Races Conducted Off of Premises**

No race track operator conducting a race meeting under a license issued by the Board shall permit bets to be made on the grounds of said race track operator on any race held outside of the grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds.

#### **Section 1305.100 Reciprocal Suspensions**

No race track operator shall permit any person who is under suspension by, or has been ruled off the member courses of the United States Trotting Association, or by any state racing commission, to participate in any manner in a harness racing meet licensed by the Board, or in the conduct of such meet.

### **Section 1305.110 Horse Ambulance**

There shall be a horse ambulance at all race tracks under the jurisdiction of the Board for the safe and expedient removal of crippled animals from the track. Horse ambulances must be equipped with a screen for use when an animal must be destroyed in view of the general public, a winch to lift dead or injured animals on to the ambulance, and a removable floor or other satisfactory device for the safe loading of a recumbent horse. Drugs for use by the State Veterinarians, when emergency medication is required, shall be stored in a locked box in the State Veterinarian's office in the detention barn.

### **Section 1305.140 Emergency Medical Services**

Each organization licensee shall submit its emergency medical services plan to the Board, for the Board's approval, thirty (30) days prior to the start of its meet. The plan shall include all information relative to emergency medical services to be provided to racing participants and patrons, including but not limited to the name of any resource hospitals, agreements with any ambulance services (private and municipal), and the number and certification level of all emergency medical technicians. In approving an emergency medical service plan the Board shall consider the proximity of the racetrack to its resource hospital, the size of the racetrack, and the type of racing to be conducted at the racetrack. Each plan shall also be certified by the Illinois Department of Public Health, Division of Emergency Medical Services.

### **Section 1305.150 Illinois Racing Board Office**

Each race track operator shall provide within its grounds an office for the use of the members of the Illinois Racing Board or any of its representatives, that meets with the approval of said persons.

### **Section 1305.180 Judges' Stand**

The judges' stand shall be so located and constructed as to afford to the officials an unobstructed view of the entire track and no obstruction shall be permitted upon the track, or the centerfield which shall obscure the officials' vision of any portion of the track during the race. Any violation of this section shall subject the track to a fine not exceeding \$500 and immediate suspension of license.

### **Section 1305.190 Drivers' Bench**

Every race track operator conducting pari-mutuel betting shall provide a bench, located conveniently to the gate through which horses enter the track at the beginning of a race, for drivers who are not competing in a particular race and who are wearing colors.

### **Section 1305.200 Stabling of Horses**

Any horse racing at a licensed meeting must be stabled within the confines of that track; provided, however, in case of necessity such a horse may be stabled within the confines of an

adjacent Illinois race track, or in another location approved by the Board. The race track operator holding the race meeting shall provide for temporary stabling of horses, eligible to race, which are brought to the races from approved outside stable space.

#### **Section 1305.220 Stall Numbers and Distance Poles**

Race track operators shall number each stall where horses are quartered and all distance poles shall be of standard color designations, namely:

Quarter poles - red and white, Eighth poles - green and white, and Sixteenth poles - black and white

#### **Section 1305.230 Licensed Outrider**

The race track operator shall furnish a licensed outrider who is to be on duty and suitably mounted each day during racing hours. The outrider must display excellent riding ability. Among his duties shall be:

- a) Leading tough horses;
- b) Holding a horse during an equipment change before a race;
- c) Controlling the horses until they reach the gate;
- d) Catching the horses if they stray at the gate or after an accident;
- e) Detouring other horses away from an accident.

#### **Section 1305.240 Drinking Fountains and Rest Rooms**

The race track operator shall furnish an adequate number of free drinking fountains, comfort stations, and wash rooms throughout its grounds and buildings for the use of the public.

#### **Section 1305.250 Telephones**

Telephone use shall be disallowed in the paddock area, except under the direct supervision of the Board or its delegates.

#### **Section 1305.260 Broadcasting and Telecasting**

Permission shall be first secured in writing from the Board before any race track operator may allow the telecast or radio broadcast of any race.

### **Section 1305.270 Pest Control**

The race track operator shall maintain systematic, effective control against flies, mosquitoes, other insects and rats at all times during a meeting. Horses must be stabled in individual box stalls with appropriate feeding and watering facilities. Stables and immediate surrounding areas must be kept in a sanitary condition at all times. Satisfactory drainage must be provided and manure and other refuse must be promptly and properly removed. These regulations apply to any stabling areas that the Board has approved for the race track operator. The Board or its official representatives will make periodic inspections of a track. Failure to comply with sanitary practices or provide any pest control will result in loss of racing dates.

### **Section 1305.280 Alcohol Sales**

No race track operator shall sell or permit to be sold, on the backstretch or in any other area used by it for stabling of horses, any alcoholic beverages, beer excepted.

### **Section 1305.290 Track Lights**

- a) Lights used to illuminate the track at night shall not be turned on or off while a race is in progress, or off while horses are on the track. The state steward shall declare a race off if total darkness occurs during the running of a race.
- b) The stable area must be properly lighted, so that it will be entirely void of darkness in all sections; lights will be turned on at dusk and they shall remain on until one hour after the last race.
- c) Parking areas must be properly lighted, so they will be entirely void of darkness in all sections; lights will be turned on at dusk and they shall remain on until one hour after the last race or until all cars have departed, whichever may first occur.
- d) If for any reason the races scheduled for the night cannot be fulfilled by midnight, the stewards will postpone the remaining race or races.

### **Section 1305.300 Fire Prevention**

Race track operators shall make adequate provision for fire prevention, protection against fire, and fire suppression within the enclosure. Before any license is granted, the race track operator must gain approval from the Board of its fire prevention facilities.

### **Section 1305.310 Backstretch Paging System**

Each organization shall have in place a suitable backstretch paging system.

### **Section 1305.330 Inspection Report**

At least 30 days prior to the beginning of any racing meeting, the race track operator shall submit to the Board copies of inspection reports issued by appropriate state or local governmental authorities relating to the condition of the buildings, the health and sanitation of the facilities, and the fire prevention, detection, and suppression equipment at the race track at which the racing meeting is to be conducted. Said inspections shall be made no earlier than 45 days prior to the beginning of a racing meeting.

### **Section 1305.350 Off-Track Betting Agencies of Other States**

- a) No race track operator shall, without the prior approval of the Board, enter into or implement an agreement with any legally constituted off-track betting agency of any other state providing for pari-mutuel wagering to be conducted in such state on races held at licensed meetings in Illinois.
- b) Any race track operator seeking Board approval of an agreement with any legally constituted off-track betting agency of any other state shall submit a copy of the proposed agreement together with such request and shall supply such other information relative to the proposal as the Board may require.

### **Section 1305.370 Reporting of Horsemen's Purse Account**

Each organization licensee shall weekly submit to the Board Secretary a report reflecting the current status of the "Horsemen's Purse Account." Said report shall be submitted on forms provided by the Board.

### **Section 1305.380 Notification of Change**

- a) Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.
- b) Each organization licensee shall have the authority to change prices charged for goods and services subject to notification to the Board. Goods and services shall include, but not be limited to, admission prices, parking fees and official racing programs and shall exclude food, beverages, and merchandise. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.
- c) Each organization licensee shall have the authority to change prices charged for wagering products (subject to Sections 26 and 26.2 of the Act) subject to notification to the Board. Wagering products shall include, but not be limited to, take-out or retention rates and minimum wager amounts. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.

- d) *The Board may disapprove of any business practices by organization licensees identified in subsection (a), (b) or (c) if the Executive Director finds that such practices are detrimental to the public interest* based upon industry standards (e.g. a national survey of comparable race tracks) or opposition from the public or interested parties. [230 ILCS 5/20.1]

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004; amended at 28 Ill. Reg. 11260, effective August 1, 2004; amended at 29 Ill. Reg. 8413, effective June 1, 2005 amended at 34 Ill. Reg. 7741, effective May 24, 2010; amended at 37 Ill. Reg. 20402, effective December 16, 2013.

**PART 1306**  
**RACE OFFICIALS**

**Section**

1306.10	State Steward
1306.20	Additional Steward
1306.30	Judges
1306.50	Disqualification to Act as Official
1306.70	Participation Forbidden
1306.80	Judges' Stand Occupants
1306.90	Improper Conduct
1306.100	Presiding Judge
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1306.120	Duties of the Judges and State Steward
1306.130	Procedures of the Judges and State Steward
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1306.160	Starting Judges
1306.170	Duties of Starter
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1306.200	Paddock Judge
1306.210	Program Director
1306.220	Horse Identifier
1306.230	State Veterinarian (Repealed)
1306.240	Bribes Forbidden
1306.250	Drinking of Intoxicating Liquor Prohibited

**Section 1306.10 State Steward**

- a) The state steward, appointed by the Board, shall be the representative of the Board at large at all race meetings and principal advisor to the Board on harness racing activities. He shall supervise the conduct of the race track operator's officials, of racing, of the pari-mutuel department, of the licensing office and of the detention barn. The state steward shall keep said departments and officials informed about Board policy.
- b) If necessary, the state steward may act in place of an official or as an additional official should the Board determine the need. He shall at all times have access to all parts of the course, plant and grounds.
- c) The state steward has authority over all owners, trainers, drivers and other persons attendant on horses.

### **Section 1306.20 Additional Steward**

The Board may in its discretion designate one of the officials as its steward at that particular meeting, but such steward shall at all times be junior to the state steward of the Board.

### **Section 1306.30 Judges**

In every race or performance against time there shall be a presiding judge and two associate judges, one of whom may be appointed to serve as a roving patrol judge.

### **Section 1306.50 Disqualification to Act as Official**

A person under suspension, expulsion, or other disqualification, or who has any interest in a race or has an interest in any of the horses engaged therein, is disqualified from acting in any official capacity in that race. In the event of such disqualification, the management shall be notified by the disqualified person and shall appoint a substitute. Any person who violates this restriction shall be fined, suspended or expelled.

### **Section 1306.70 Participation Forbidden**

No person whose duties at meetings licensed by the Board including classifying horses, supervising saliva and urine examination, officiating, and/or reviewing decisions of the judges shall directly or indirectly be the owner of or have any interest in any horse racing at pari-mutuel harness meetings, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meetings. Any person violating this rule shall be suspended.

### **Section 1306.80 Judges' Stand Occupants**

None but the judges, the clerk of the course, the racing secretary, starter and timer, official announcer, and officials and directors of the Board and the United States Trotting Association shall be allowed to enter the judges' stand during a race. Anyone violating this rule may be fined not to exceed \$100.

### **Section 1306.90 Improper Conduct**

- a) An official guilty of improper conduct shall be fined not exceeding \$500 and/or be suspended.
- b) Any complaint against a racing official or officials shall be made to the stewards in writing, signed by the complainant. All such complaints shall be reported to the Board together with the stewards' action.

### **Section 1306.100 Presiding Judge**

The presiding judge shall:

- a) Have supervision over associate judges, patrol judges, starters, paddock judge, finish wire judge, clerk of the course, timers and charters.
- b) Notify owners and drivers of penalties imposed.
- c) Report in writing to the Board, with a copy to the United States Trotting Association, violations of the rules by a track, its officers or race officials, giving detailed information thereof.
- d) Make such other reports as required by the Board.
- e) Sign each sheet of the judges' book, verifying the correctness of the record.
- f) Be responsible for the maintenance of the records of the meeting and the forwarding thereof to the Board and the United States Trotting Association.

### **Section 1306.110 Powers of the State Steward and Judges**

The state steward and the judges shall have the following powers:

- a) Inflict fines and penalties, as prescribed by these rules.
- b) Determine all questions of fact relating to the race.
- c) Decide any differences between parties to the race. Should any case occur that may or may not be covered by this Chapter, it shall be determined by the officials. When no penalty is provided, the state steward and judges shall have the authority to impose stated penalties as they think just, recommending to the Board more severe penalties if they think fit.
- d) Declare pools and bets "off" in the case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets, shall be made at the conclusion of the race upon the observations of the judges and upon such facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended and/or expelled.
- e) Control the horses, drivers and assistants and punish by a fine not exceeding \$500. or by suspension or expulsion, any person who shall fail to obey their

orders or the rules. In no case shall there be any compromise or change on the part of the judges of punishment prescribed in the rules, but the same shall be strictly enforced.

- f) Conduct an inquiry into a violation of any rule and take such action as may be appropriate and render their report to the Board. Any action, as a result of such inquiry, must be concurred in by the majority of the judges. Any person required to appear before the judges for a hearing or examination who shall fail to appear after due notice in writing shall be penalized.
- g) Consider complaints of foul from the patrols, owners or drivers in the race and no others.
- h) Declare a race void and order all wagers refunded in the event of unfavorable weather or other unavoidable cause.

#### **Section 1306.120 Duties of the Judges and State Steward**

It shall be the duty of these officials to:

- a) Exclude from the race any horse that in their opinion is improperly equipped, dangerous, or unfit to race, or liable to cause accident or injury to another horse or driver in the race, and which shall include horses that are sick, blind, weak, and extremely lame. No horse shall race with a tube in its throat.
- b) Investigate any apparent or possible interference, or other driving violation whether or not complaint has been made by a driver.
- c) Investigate any act of cruelty seen by them or reported to them by any person towards a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall suspend or fine the offending person not to exceed \$500.

#### **Section 1306.130 Procedures of the Judges and State Stewards**

It shall be the procedure of these officials to:

- a) Be in the stand 15 minutes before the first race and remain in the stand 10 minutes after the last race, and at all times when the horses are upon the track.
- b) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of drivers, changes in odds at pari-mutuel meetings, and any unusual incidents pertaining to horses or drivers participating in races.

- c) Have the bell rung or give other notice at least 10 minutes before the race or heat. Any driver failing to obey this summons may be punished by a fine not exceeding \$100. and his horse may be ruled out by the judges and considered drawn.
- d) The presiding judge shall designate the post time for each race and the horses will be called at such time as to preclude excessive delay after the completion of two scores.
- e) Be in communication with the patrol judge from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the Rules and Regulations shall be reported by the patrol judge witnessing the incident and a written record made. At least one judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish.
- f) Post the objection sign or inquiry sign on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed until all horses and drivers of the race have returned to the judges' stand and saluted, horses and drivers unable to finish the race excepted. In all instances, the judges shall post the order of finish and the "official" sign as soon as they have made their decision.
- g) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection.
- h) Sign the judges' book after each race, verifying the correctness of the record by the clerk of the course.

#### **Section 1306.140 Patrol Judge**

- a) There shall be at least one roving patrol judge and it shall be his duty to ride in the starter car and observe all activity on the race track in his area at all times during the racing program. He shall immediately report to the presiding judge:
  - 1) Any action on the track which could improperly effect the result of a race.
  - 2) Every violation of the racing rules.
  - 3) Every violation of the rules of decorum.
  - 4) The lameness or unfitness of any horse.

- 5) Any lack of proper racing equipment.
- b) The patrol judge shall furthermore:
- 1) Be in constant communication with the judges during the course of every race and shall immediately inform the judges of every rule violation, improper or unusual happening which occurs at their station.
  - 2) Submit individual daily reports of observations of the racing to the presiding judge.
  - 3) When directed by the presiding judge, attend hearings or inquiries on violations and testify thereat under oath.

#### **Section 1306.160 Starting Judges**

Starting judges shall be designated by the track, subject to the approval of the Board.

#### **Section 1306.170 Duties of Starter**

- a) The starter shall be in the starting car 15 minutes before the first race. He shall have control over the horses and authority to assess fines and/or suspend drivers for any violation of the rules from the formation of the parade until the word "go" is given. He may assist in placing the horses when requested by the judges to do so. He shall notify the judges and the drivers of penalties imposed by him.
- b) His services shall be paid for by the track employing him. An assistant starter may be employed when necessary.

#### **Section 1306.180 Clerk of the Course**

The clerk of the course shall:

- a) At request of the judges assist in drawing positions.
- b) Keep the judges' book and record therein:
  - 1) All horses entered and their eligibility numbers.
  - 2) Names of owners and drivers; drivers' license numbers.
  - 3) A record of each race, giving position of horse at finish.
  - 4) Note drawn or ruled out horses.

- 5) Record time in minutes, seconds and fifths of seconds.
- c) Check eligibility certificate before the race and after the race; shall enter all information provided for thereon.
- d) Record all protests, fines, penalties and appeals in the judges' book and see that the book is properly signed.
- e) Forward copies of the judges' book to the United States Trotting Association and the Board not later than the next day.
- f) Notify owners and drivers of penalties assessed by the officials.
- g) Upon request, may assist judges in placing horses.
- h) After the race, return the eligibility certificate to the owner of the horse or his representative when requested.
- i) Failure to comply with any part of this rule and make the above listed entries legible, clear and accurate, may subject either the clerk or the track, or both, to a fine of not to exceed \$50. for each violation.

#### **Section 1306.190 Timers**

- a) At each race or performance against time there shall be an electric timing device and one timer. He shall sign the judges' book for each race or performance against time verifying the correctness of the record. All times shall be announced and recorded in fifths of seconds. An approved electronic timing device must be used where horses are started from a chute.
- b) The timer shall be in the stand 15 minutes before the first heat or dash is to be contested. He shall start his watch when the first horse leaves the point from which the distance of the race is measured and shall stop his watch when a winner reaches the wire. The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

#### **Section 1306.200 Paddock Judge**

Under the direction and supervision of the presiding judge, the paddock judge will have complete charge of all paddock activities. The paddock judge is responsible for:

- a) Getting the fields on the track for post parades in accordance with the schedule given to him by the presiding judge.

- b) Inspection of horses for changes in equipment, broken or faulty equipment, head numbers, etc.
- c) Supervision of paddock gate men.
- d) Proper check in and check out of horses and drivers.
- e) Direction of the activities of the paddock blacksmith.
- f) Immediate notification to the presiding judge of anything that could in any way change, delay or otherwise affect the racing program.
- g) Permitting only properly authorized persons in the paddock and any violation of this rule may result in fine, suspension or expulsion.
- h) Inspection and supervision of the maintenance of all emergency equipment kept in the paddock.
- i) Notifying the judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.
- j) Notifying the judges of all trainers and grooms who leave the paddock in an emergency.

#### **Section 1306.210 Program Director**

Each track shall designate a program director. Such program director and all charters shall be subject to the approval of the Board. It shall be the responsibility of the program director to furnish the public complete and accurate past performance information as required by Rule B 15.4 (11 Ill. Adm. Code Section 415.40).

#### **Section 1306.220 Horse Identifier**

The identification of horses coming into the paddock shall be made by the horse identifier who shall report any irregularities to the paddock judge and stewards

#### **Section 1306.240 Bribes Forbidden**

No racing official or his assistant shall accept, directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting.

#### **Section 1306.250 Drinking of Intoxicating Liquor Prohibited**

Drinking of intoxicating liquor, by any racing official, track employee, or licensee, while on duty, is prohibited. Any person violating this rule shall be relieved of his duties by the stewards.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10926; amended at 10 Ill. Reg. 10147, effective May 27, 1986; amended at 30 Ill. Reg. 16319, effective October 1, 2006; amended at 31 Ill. Reg. 16511, effective December 1, 2007.

**PART 1307**  
**IDENTIFICATION OF HORSES**

**Section**

1307.10	Bonafide Owner or Lessee
1307.30	Failure to Furnish Reliable Program Information
1307.40	Inaccurate Information
1307.50	Check on Identity of Horse
1307.60	False Chart Lines
1307.70	Frivolous Demands
1307.80	Lip Tattooing or Freeze Branding
1307.90	Changes in Ownership

**Section 1307.10 Bonafide Owner or Lessee**

- a) A horse must race in the name of the bonafide owner or lessee. Nominators shall learn the facts of ownership about all horses in their care before making registration. Persons violating this rule may be fined, suspended or expelled.
- b) No horse shall be permitted to start that has not been fully identified to the satisfaction of the Board or its representative and the United States Trotting Association. Attempts to interfere with the identification or examination of any horse shall be regarded as fraud or attempt at fraud and the same penalties shall apply.

**Section 1307.30 Failure to Furnish Reliable Program Information**

Failure to furnish reliable information may subject the track and/or program director to a fine not to exceed \$500. and/or suspension until arrangements are made to provide reliable program information.

**Section 1307.40 Inaccurate Information**

Owner's drivers or others found guilty of providing inaccurate information on a horse's performance, or of attempting to have misleading information given on a program may be fined, suspended or expelled.

**Section 1307.50 Check on Identity of Horse**

Any track official, representative of the Board, representative of the United States Trotting Association, owner or driver may call for information concerning the identity and eligibility of any horse on the grounds of a track and may demand an opportunity to publicly examine such horse or his eligibility certificate with a view to establish his identity or eligibility. If the owner or party representing such a horse refuses to give information, allow an examination, or fails to give satisfactory identification, the horse and the owner or party may be debarred, suspended or expelled.

### **Section 1307.60 False Chart Lines**

Any official, clerk, or person who enters a chart line on an eligibility certificate when the race has not been charted by a licensed charter may be fined, suspended or expelled.

### **Section 1307.70 Frivolous Demands**

Any person demanding the identification of a horse without cause or merely with the intent to embarrass a race, shall be punished by a fine not exceeding \$100. or by suspension or expulsion.

### **Section 1307.80 Lip Tattooing**

No horse shall be permitted to start in a race unless it has been lip tattooed or freeze branded with an identifying number. The stewards may allow a horse to race once without a tattoo or freeze brand. Thereafter, the horse must be tattooed or freeze branded or the trainer must show evidence that arrangements have been made to comply with this provision. If satisfactory evidence is presented to the stewards, the horse may be permitted to race.

### **Section 1307.90 Changes in Ownership**

Any change in ownership of a horse or horses or interest therein shall be immediately filed with the United States Trotting Association and the racing secretary.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10929; emergency amendment at 19 Ill. Reg. 8809, effective June 15, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13911, effective October 1, 1995.

**PART 1308**  
**RACING, FARM, CORPORATE OR STABLE NAME**

**Section**

1308.10	Racing, Farm, Corporate or Stable Name
1308.20	Stable Name
1308.30	Partnership
1308.40	Corporations

**Section 1308.10 Racing, Farm, Corporate or Stable Name**

- a) Racing, farm, corporate or stable names may be used by owners or lessees if registered with the United States Trotting Association.
- b) All owners and persons listed in a registered stable, whether incorporated or not, shall be liable for entry fees and penalties against horses raced by the stable. In the event that one of the owners or persons listed in a registered stable is suspended, all the horses shall be included.

**Section 1308.20 Stable Name**

Any horse that is owned by more than one person, or one partnership, must be stabled in one stable and registered only under its own stable name with appropriate fees paid.

**Section 1308.30 Partnerships**

All partners of a general partnership shall be licensed as owners. In the case of a limited partnership all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. This shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure. Any non-licensed partner shall submit application materials sufficient for the Board to verify this status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for licensure then all partners and the partnership shall be ineligible for licensure.

**Section 1308.40 Corporations**

All officers, directors and shareholders owning 5% or more of any class of a stock of a corporation shall be licensed as owners. This shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure. Any non-licensed shareholder shall submit application materials sufficient for the Board to verify this status whenever the stewards have determined it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other material required of an applicant for an owner's license. If any

non-licensed shareholder is ineligible for licensure then all officers, directors, shareholders and the corporation shall be ineligible for licensure.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10930; amended at 13 Ill. Reg. 2156, effective February 3, 1989.

**PART 1309**  
**ELIGIBILITY AND QUALIFICATION FOR RACES**

**Section**

1309.10	Eligibility Certificate
1309.20	Registration
1309.30	Leased Horses
1309.40	Sale or Lease During Current Year
1309.50	Tampering With Eligibility Certificate
1309.60	Corrections on Eligibility Certificate
1309.70	Loss or Destruction of Certificate
1309.80	Time Bars Prohibited
1309.90	Racing Secretary Shall Prescribe Conditions
1309.100	Conflicting Conditions
1309.110	Condition Books
1309.120	Races to be Offered
1309.130	Invitational Races
1309.140	Rejection of Declarations
1309.150	Eligibles Posted
1309.160	AGID (Coggins) Test (Repealed)

**Section 1309.10 Eligibility Certificate**

- a) No horse shall be declared in without first possessing a current United States Trotting Association or CTA (Canadian Trotting Association) eligibility certificate at the gait the horse is declared to race. Horse owners violating this rule shall be fined \$10. The track shall be fined \$5. for accepting a declaration without an eligibility certificate.
  
- b) Telegraphic declarations may be sent and accepted without penalty provided the declarer furnishes adequate program information. The eligibility certificate, however, must be presented when the horse arrives at the track and before he races.

**Section 1309.20 Registration**

All matters relating to registration of standardbred horses shall be governed by the rules of the United States Trotting Association.

**Section 1309.30 Leased Horses**

Any horse under lease must race in the name of the lessee. No eligibility certificate will be issued to a horse under lease unless a copy of the lease is filed with the United States Trotting Association. Persons violating this rule may be fined, suspended or expelled.

#### **Section 1309.40 Sale or Lease During Current Year**

When a horse is sold or leased after an eligibility certificate is issued for the current year, the new owner or lessee may use that certificate if endorsed to him by the United States Trotting Association. If the certificate is not endorsed to the new owner or lessee, he must apply for a new eligibility certificate.

#### **Section 1309.50 Tampering With Eligibility Certificate**

Persons tampering with eligibility certificates may be fined, suspended or expelled and any winnings after such tampering may be ordered forfeited.

#### **Section 1309.60 Corrections on Eligibility Certificates**

Corrections on eligibility certificates may be made only by a licensed official or a representative of the United States Trotting Association. Persons making corrections shall affix their name and the date to the certificate.

#### **Section 1309.70 Loss or Destruction of Certificate**

In the event of loss or destruction of an eligibility certificate must be secured from the United States Trotting Association.

#### **Section 1309.80 Time Bars Prohibited**

No time bars or records shall be used as an element of eligibility in the setting of race conditions. The only use may be for the purposes of establishing qualifying standards.

#### **Section 1309.90 Racing Secretary Shall Prescribe Conditions**

The racing secretary shall prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting.

#### **Section 1309.100 Conflicting Conditions**

If the event there are conflicting published conditions, the more favorable to the nominator shall govern.

#### **Section 1309.110 Condition Books**

Condition books will be prepared by the racing secretary. Such books shall contain at least three days racing programs and be available to horsemen at least 24 hours prior to closing declarations on any race.

### **Section 1309.120 Races to be Offered**

In presenting a program of racing, the racing secretary shall use exclusively the following types of races: stakes and futurities, early closing and late closing events, conditioned, claiming and invitational races.

### **Section 1309.130 Invitational Races**

- a) Invitational races are limited to the fastest horses at the meeting. These may be Free For All races, Junior Free for All, or Invitationals. Horses to be used in such races shall be posted in the racing secretary's office at least 24 hours prior to the time of closing. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the invitational list. Purses offered for such races shall be at least 15 per cent higher than the highest purse offered for a conditioned race programmed the same racing week for horses of equivalent age and sex.
- b) No two year, three year or four year old will be eligible to be placed on the invitational list to race against older horses until it has won a lifetime total of \$15,000 and five races, unless requested by the owner or an authorized agent. Such request may be withdrawn at any time by the owner or agent and said horse returned to conditioned racing.
- c) Where a meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that meeting may be computed in determining whether a horse may be placed on the invitational list.

### **Section 1309.140 Rejection of Declarations**

The racing secretary may reject the declaration on any horse whose eligibility was not in his possession on the date the condition book was published. The racing secretary may reject the declaration on any horse whose past performance indicated that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled.

### **Section 1309.150 Eligibles Posted**

Names of all horses at the track eligible to race in conditioned races shall be posted by gait in the declaration room, together with all the pertinent information concerning such horse that may be required to determine eligibility of such horse to conditioned races offered at the track.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended December 9, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10931; amended at 31 Ill. Reg. 16515, effective December 1, 2007.

**PART 1311**  
**STAKES AND FUTURITIES**

**Section**

1311.10	Stakes and Futurities
1311.20	Announcement of Events
1311.30	Failure to Make Payments
1311.40	Refund of Nomination Fees

**Section 1311.10 Stakes and Futurities**

All stake and futurity sponsors shall:

- a) Annually file a copy of their conditions with this Board and with the USTA.
- b) Give satisfactory evidence of financial responsibility. A surety bond in the amount of the fund conditioned will be demanded if a sponsor's financial statement shows his net worth as less than five times the amount of trust funds received from stakes and futurities payments.
- c) Sponsors shall mail a list of the nominations within 20 days after the closing to each nominator, the Board and the United States Trotting Association.
- d) Sponsors shall mail within 20 days the complete list of all horses remaining eligible after each payment to the Board and the United States Trotting Association. Sponsors shall mail within 20 days following the last payment before the starting fee, a complete list of all horses remaining eligible to owners of all eligibles, the Board and the United States Trotting Association.
- e)
  - 1) Shall set the nominating date and the dates for all sustaining payments except the starting fee on the 15th day of the month, and there shall be no payments on yearlings except a nomination payment and such nomination payment shall be due not later than August 15th. Before taking any sustaining payments during the year the race is to be contested, the date and place of the race shall be stated.
  - 2) Beginning with stakes and futurities closing in 1973, and thereafter, the date for closing of nominations of yearlings to stakes shall be May 15th and the date for closing of the nominations to futurities shall be July 15th.

**Section 1311.20 Announcement of Events**

Sponsors shall announce the week and place of any event as soon as racing dates for the year are allocated by the Board.

**Section 1311.30 Failure to Make Payments**

Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

**Section 1311.40 Refund of Nomination Fees**

In the event that a mare nominated to a futurity fails to have a live foal, the nominator shall receive a return on his payment upon notification by December 1st of the year the foaling failed, providing such return is called for in the conditions.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10933.

**PART 1312**  
**ENTRIES AND DECLARATIONS**

<b>Section</b>	
1312.10	Entries
1312.20	Penalties
1312.30	Sale of Horse With Entrance Due
1312.40	Receipt of Entries
1312.50	Postage Meter
1312.55	Limitation on Purse Increases or Reductions
1312.60	Deviation From Published Conditions
1312.70	When Ineligible Horse Races
1312.80	Transfer of Ineligible Horse
1312.90	Withholding Purse When Ineligible Horse Races
1312.100	Early Closing and Late Closing Events
1312.110	Subsequent Payments
1312.120	Trust Funds
1312.130	Stable Space
1312.140	Limitation on Conditions
1312.150	Penalties
1312.160	Excess Entry Fees
1312.170	Entries and Starters Required
1312.180	Elimination Heats
1312.190	Elimination Plans
1312.200	Overnight Events
1312.210	Entry Box and Drawing of Horses
1312.220	Substitute Races
1312.230	Drivers
1312.240	Declaration and Withdrawing
1312.250	Qualifying Races
1312.260	Entry or Coupling (Repealed)
1312.265	Uncoupled Entries
1312.270	Husband-Wife Entries
1312.280	Also Eligibles
1312.290	Preference
1312.300	Stewards' List
1312.310	Medical Reasons for Ineligibility

**Section 1312.10 Entries**

- a) All entries shall be made on forms prescribed by the Board, and all information required on such forms shall be supplied.
- b) Entry forms shall be filled out in ink and shall be signed by the owner or his authorized agent, provided that entries may be made by telephone in which case

the person receiving the entry shall reduce it to writing on a prescribed form and indicate that the entry was received by telephone.

- c) Entries in overnight events shall comply with Rule 12.19 (11 Ill. Adm. Code Section 1312.190)

### **Section 1312.20 Penalties**

The penalty for noncompliance with any of the above requirements is a fine of not less than \$5 nor more than \$50 for each offense. If the facts are falsely stated for the purpose of deception, the guilty party shall be fined and/or suspended or expelled.

### **Section 1312.30 Sale of Horse With Entrance Due**

If any person shall sell a horse to be free and clear and it appears thereafter that payments were due or to become due in races of any description and for which suspension has been or is subsequently ordered, such seller shall be held for the amount due with the penalty on the same and fined an amount equal to the amount of suspension. Unless that horse has been suspended prior to a sale, a subsequent suspension for unpaid entry fees will have no effect as against a bona fide purchaser for value without notice.

### **Section 1312.40 Receipt of Entries**

- a) All entries and payments, except in overnight events, not actually received at the hour of closing shall be ineligible, except
  - 1) entries and payments by letter bearing postmark not later than the following day (omitting Sunday); or
  - 2) entries notified by telegraph. The telegram shall be actually received at the office of sending at or before the hour of closing, and such telegram shall state the color, sex and name of the horse, and give the name and residence of the owner and the party making entry.
- b) Whenever an entry or payment in a stake, futurity, or early closing race becomes payable on a Sunday or a legal holiday that falls on Saturday, such payment is to be due on the following Monday. If made by mail, the envelope must be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, such payment is due on Tuesday, and if made by mail must be postmarked on or before the following Wednesday.

### **Section 1312.50 Postage Meter**

Where an entry is received by letter bearing a postage meter date without any postmark by the Post Office, such postage meter date shall be considered to be a postmark for the purposes of this rule if the letter is actually received within seven days following the closing date of the

event. The metered date must conform to the postmark date as set forth above in order to be valid.

#### **Section 1312.55 Limitation on Purse Increases or Reductions**

- a) No purse for any race may be increased or reduced after the purse has been advertised, published or reflected in the conditions without prior approval of the Executive Director of the Board. If approved, the Racing Secretary shall promptly post the change in purse on the public bulletin board in the Racing Secretary's office for the inspection of owners, trainers and the public, and list it in the "overnight sheets".
- b) No purse for any race may be increased or reduced after the first entry is made without prior approval of the Board.

#### **Section 1312.60 Deviation From Published Conditions**

All entries and payments not governed by published conditions shall be void and any proposed deviation from such published conditions shall be punished by a fine not to exceed \$50. for each offense. Any nominator who is allowed privileges not in accordance with the published conditions of the race or which are in conflict with these rules, shall be debarred from winning any portion of the purse, and the said nominator and the secretary or other persons who allowed such privileges shall be deemed to have been parties to fraud.

#### **Section 1312.70 When Ineligible Horse Races**

- a) Nominators are required to guarantee the identity and eligibility of their entries and declarations. If given incorrectly, the nominator may be fined, suspended or excluded. When imposing penalties, the stewards shall consider all relevant factors, including, but not limited to
  - 1) Whether the error related to the identification of the horse, the authenticity of eligibility papers, or the accuracy of the declaration; and
  - 2) Whether the error was intentional or the result of negligence.
- b) Further, any winnings shall be forfeited and redistributed to eligible entries.
- c) A person obtaining a purse or money through fraud or error shall surrender or pay the same to the Board for redistribution or that person together with the parties implicated in the wrong, and the horse or horses shall be suspended until such demand is complied with and such purse or money shall be awarded to the party justly entitled to the same.

### **Section 1312.80 Transfer of Ineligible Horse**

A horse entered in an event to which it is ineligible may be transferred to any event to which it is eligible at the same gait.

### **Section 1312.90 Withholding Purse When Ineligible Horse Races**

Tracks shall be warranted in withholding the purse won by any horse, without a formal protest, if they shall receive information in their judgment tending to establish that the entry or declaration was fraudulent or ineligible. Purses withheld under this rule shall be forthwith sent to the Board to await the result of an investigation and order of distribution by the Board.

### **Section 1312.100 Early Closing and Late Closing Events**

- a) The sponsor shall state the place and date of the event to be raced and no change in date, program, events or conditions can be made after the nominations have been taken without the written consent of the steward and owner or trainer of all horses eligible at the time the conditions are changed. An entry blank shall be filed with the United States Trotting Association.
- b) All nominations and payments, other than starting fees, in early closing events, shall be due on the first and fifteenth of the month.
- c) A complete list of nominations to any late closing or early closing event shall be published within 20 days after the date of closing and mailed to each nominator, the Board, and the United States Trotting Association.
- d) If the event does not fill, each nominator, the Board, and the United States Trotting Association shall be notified within 10 days and refund of nomination fees shall accompany the notice.

### **Section 1312.110 Subsequent Payments**

If subsequent payments are required, a complete list of those making the payment shall be made within 15 days after the payment was due and the list mailed to each nominator, the Board and the United States Trotting Association.

### **Section 1312.120 Trust Funds**

All fees paid in added money, early closing events shall be segregated and held as trust funds until the event is contested. If the event is canceled, all fees and trust fund income shall be refunded.

### **Section 1312.130 Stable Space**

Tracks accepting nominations to early closing and late closing races, stakes and futurities will give stable space to any horse nominated and eligible to such event the day before, the day of, and the day after such race.

### **Section 1312.140 Limitation on Conditions**

No conditions of early closing or late closing events shall be used to eliminate horses nominated to an event or to add horses that have not been nominated to an event by reason of the performance of such horses at an earlier meeting held the same season. Early closing events and late closing events shall have not more than two also eligible conditions.

### **Section 1312.150 Penalties**

Any official or track that fails to comply with any provisions of this rule will be fined, suspended or expelled, unless otherwise provided.

### **Section 1312.160 Excess Entry Fees**

When entry fees exceed 85 per cent of the advertised purse value, such excess entry fees shall be added to the advertised purse. Where the race is split into divisions, each division shall have a purse value of not less than 75 per cent of the advertised purse. However, entry fees in excess of the amount prescribed above may be used toward the amount that must be added.

### **Section 1312.170 Entries and Starters Required**

- a) Tracks must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off as provided.
- b) In early closing or late closing events, if five or more interests are declared in to start, unless otherwise specified in the conditions, the race must be contested, except when declared off as provided. Stakes and futurities must be raced if one or more horses are declared in to start except when declared off as provided.
- c) In an early closing event, if less horses are declared in than are required to start, and all declarers are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all of the entrance money and forfeits from each horse named.

### **Section 1312.180 Elimination Heats**

- a) In any race where the number of horses declared in to start exceeds 12 on a half-mile track or 16 on a larger track, the race, at the option of the track conducting same stated before positions are drawn, may be raced in elimination

heats. No more than two tiers of horses, allowing eight feet per horse, will be allowed to start in any race.

- b) Where the race is divided, each division must race for at least 75% of the advertised purse. In an added money, early closing event the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide. Extended meetings shall add an additional amount so that each division will race for 75% of the total of the advertised purse and added money. These provisions shall apply to any stake or early closer with a value of \$20,000 or less.
- c) In any stake race or futurity, where the conditions state that the event shall be raced one dash on a race track of less than a mile at an extended pari-mutuel meeting, and where the number of horses declared in to start exceed 12, the race, at the option of the track operator, stated before positions are drawn, may be divided by lot and raced in two elimination divisions with all money winners from both divisions competing in the final. Each division shall race one elimination heat for 20% of the total purse. The remainder of the purse shall be distributed to the money winners in the final.

#### **Section 1312.190 Elimination Plans**

- a) Whenever elimination heats are required, or specified in the published conditions such race shall be raced in the following manner unless conducted under another section of this rule. The field shall be divided by lot and the first division shall race a qualifying dash for 30% of the purse, the second division shall race a quarter dash for 30% of the purse and the horses so qualified shall race in the main event for 40% of the purse. The winner of the main event shall be the race winner.
- b) In the event there are more horses declared to start than can be accommodated by the two elimination dashes, then there will be added enough elimination dashes to take care of the excess. The per cent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40% of the purse.
- c) Unless the conditions provide otherwise, if there are two elimination dashes, the first four finishers in each dash qualify for the final; if three or more elimination dashes, not more than three horses will qualify for the final from each qualifying dash.
- d)
  - 1) The judges shall draw the positions in which the horses are to start in the main event, i.e., they shall draw positions to determine which of the two dash winners shall have the pole, and which the second position; which of the two horses that have been second shall start in third position; and

which in fourth, etc. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions.

- 2) In the event there are three separate heat or dash winners and they alone come back in order to determine the race winner according to the conditions, they will post positions according to the order of their finish in the previous heat or dash.
- e) In any race where the number of horses declared in to start exceeds 12 on a half-mile track or 16 on a mile track, unless other numbers are specified in the conditions, the race, at the option of the track conducting the same, stated before positions are drawn, may be divided by lot and raced in two divisions with all heat winners from both divisions competing in a final heat to determine the race winner. Each division shall race two heats for 20% of the purse each heat. The remaining 20% of the purse shall go to the winner of the final heat.
- f) Whenever elimination heats are required or specified in the published conditions of a stake or futurity, such race may be raced on three heat plan, irrespective of any provisions in the conditions to the contrary, unless such published conditions provide otherwise. That is, the field shall be divided by lot and the first division shall race for 30% of the purse, the second division shall race for 30%, and the horses qualifying in the first and second divisions shall race the third heat for 30% of the purse. If, after the third heat, no horse has won two heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10% of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in this rule.

### **Section 1312.200 Overnight Events**

Not more than 10 horses shall be allowed to start. No horse shall be entered in more than one event on the same program except where the conditions of the race provide that it shall be contested in two or more heats or dashes.

### **Section 1312.210 Entry Box and Drawing of Horses**

- a) The entry box shall be opened by the state steward, or his designated representative, at the advertised time. The state steward will be responsible to see that at least one horseman or an official representative of the horsemen is present. Upon request of the racing secretary, 30 minutes prior to the opening of the box, the state steward, or his designated representative, may inform the racing secretary as to the number of horses declared in.
- b) No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the state steward, all entries shall be listed, the eligibility checked, preference ascertained, starters

selected, and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened at a definite time.

- c) Such drawings shall be final unless the state steward determines that a horse properly declared was omitted from the race through an error on the part of the track or its agent or employee in which event the race may be redrawn. This provision for a redrawing shall not apply unless the error is discovered prior to the publication of the official program.

### **Section 1312.220 Substitute Races**

Substitute races may be provided for each day's program and shall be so designated. A substitute race shall be used only if regularly scheduled races fail to fill. Entries in all races shall be posted.

### **Section 1312.230 Drivers**

- a) Declarations shall state who will drive the horse and give the driver's colors. Drivers must be named at the time prescribed by the presiding judge at a meeting.
- b) After being named, no driver shall be changed except by permission of the judges. When a nominator starts two or more horses, the judges shall approve or disapprove the second and third drivers.

### **Section 1312.240 Declaration and Withdrawing**

After declaration to start has been made, no horse shall be drawn except by permission of the judges. A fine not to exceed \$500., or suspension, may be imposed for drawing a horse without permission, the penalty to apply to both the horse and the party who violates the regulation.

### **Section 1312.250 Qualifying Races**

At all extended pari-mutuel meetings, declarations for overnight events shall be governed by the following:

- a) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of a presiding judge or associate judge and acquire at least one charted line by a licensed charter. To provide complete and accurate chart information on time and beaten lengths, a standard photo-finish shall be in use.
- b) A horse that does not show a charted line for the previous season, or a charted line within its last six starts, must go a qualifying race as set forth in

Subparagraph a. Uncharted races contested in heats or more than one dash and consolidated according to Subparagraph d will be considered one start.

- c) A horse that has not started at a charted meeting by August 1st of a season must go a qualifying race as set forth above in Subparagraph a.
- d) When a horse has raced at a charted meeting during the current season, then gone to meetings where uncharted races may be summarized, including each start and consolidated in favor of charted lines, the requirements of Subparagraph b do not apply.
- e) A horse's finish in a qualifying race for which no purse is offered shall not be used in determination of eligibility for other races.

### **Section 1312.260 Entry or Coupling (Repealed)**

### **Section 1312.265 Uncoupled Entries**

Two or more horses owned wholly, or in part, by the same person or persons, shall be uncoupled wagering interests in any race. A wager on one horse in the "entry" shall be a wager on all horses in the "entry". If a race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot. Same owner entries will have least preference in overfilled races.

### **Section 1312.270 Husband-Wife Entries**

In case of husband and wife, no entry shall be received from husband or wife while either is disqualified. Husband and wife, unless legally separated shall be considered a single entity. Any ruling which applies to one shall apply equally to the other. This rule shall not apply in the case of a spouse suspended for a driving infraction or in such other cases, in the discretion of the stewards.

### **Section 1312.280 Also Eligibles**

Not more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races, the also eligible horse shall take the place of the horse that it replaces in the event the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also

eligible list not moved into the race by the time specified by the presiding judge shall be released.

#### **Section 1312.290 Preference**

- a) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and then scratched is the date of the race from which he was scratched. When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race and preference applied accordingly.
- b) Provided, however, that where an overnight race has been re-opened because it did not fill, all eligible horses declared into the race prior to the re-opening shall receive preference, irrespective of the actual preference dates.

#### **Section 1312.300 Stewards' List**

- a) A horse that has been placed on the stewards' list at an extended meeting for the reason that it is a dangerous or unmanageable horse, shall not be thereafter accepted as an entry unless removed from said stewards' list by the presiding judge and state steward.
- b) Owners and trainers shall be notified in writing of such action and the reason for such action.
- c) The clerk of the course shall make a note on the eligibility certificate of each such horse showing the date the horse was placed on the stewards' list, the reason therefor and the date of removal if the horse has been removed.

#### **Section 1312.310 Medical Reasons for Ineligibility**

A trainer or owner shall not enter or start or cause to be entered or started, a horse which:

- a) is not in serviceable, sound racing condition,
- b) is a known bleeder,
- c) has been trachea tubed,
- d) has been nerved or had cryosurgery performed on a nerve, except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race,
- e) has been "nerve blocked,"

- f) is not properly plated,
- g) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision,
- h) does not comply with the rules regarding AGID (Coggins) tests (11 Ill. Adm. Code Section 1309.160).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended July 12, 1974, filed July 22, 1974; amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 15 Ill. Reg. 2727, effective February 5, 1991; amended at 24 Ill. Reg. 7390, effective May 1, 2000; amended at 25 Ill. Reg. 6390, effective May 1, 2001; amended at 27 Ill. Reg. 5030, effective March 7, 2003; amended at 31 Ill. Reg. 8526, effective June 1, 2007; amended at 36 Ill. Reg. 16340, effective November 1, 2012; amended by emergency rulemaking at 39 Ill. Reg. 5514, effective April 1, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 11844, effective August 10, 2015.

**PART 1313**  
**GENERAL LICENSEE RULES**

**Section**

1313.10	Worker's Compensation (Repealed)
1313.20	Health Regulations (Repealed)
1313.30	Observe Sanitary, Safety, Humane Rules (Repealed)
1313.40	Halters
1313.48	Safety Helmets
1313.50	Equipment Change and Records
1313.60	Sulky Performance Standards
1313.70	Horses in Paddock
1313.80	Body Alcohol Testing
1313.90	Deceased and Sick Horses (Repealed)
1313.100	Firearms
1313.110	Private Practice Prohibited
1313.120	Veterinarian Reports (Repealed)
1313.130	Clean Equipment (Repealed)

**Section 1313.40 Halters**

All horses shall be haltered while in the stall.

**Section 1313.48 Safety Helmets**

- a) No occupational licensee shall jog, warm-up, or drive a horse on a racetrack facility during a licensed meet unless the licensee is wearing a protective safety helmet, with a chin strap in place, that has been approved by the Illinois Racing Board (Board). The Board, in its approval, shall give consideration to such criteria as the following:
  - 1) Performance characteristics--The helmet shall consist of a durable smooth shell lined with energy absorbing material that can withstand shock to the head during impact. The helmet shall have a suspension system that maintains the position of the helmet on the licensee's head with nape strap which fits behind the head to secure the helmet to the head; mandibular pads/straps which encircle the ears and to which the chin strap attachments are anchored; and chin cup/strap which is shaped to fit over the chin.
  - 2) Finished surface of assembled helmet--The assembled helmet shall be of a smooth and rounded external surface without any reinforcing ridges or other external projections protruding from the helmet.
  - 3) Ventilation--The helmet may have ventilation holes but the holes shall not be greater than 13 millimeters in diameter.

- 4) Materials--The helmet shall be made of materials that can withstand exposure to typical weather conditions, and the effects of contact with hair and sweat. The helmet shall not be of the type that can cause skin irritation or disease when the helmet comes into contact with the skin.
  - 5) Vision--The helmet shall provide the peripheral visual clearance of 110 degrees.
  - 6) Hearing Ability--The helmet shall not restrict the hearing ability of the individuals wearing the helmet with sound absorbing material.
  - 7) Any other factor that will affect the performance characteristics of the helmet shall be considered by the Board.
- b) The emphasis of the Board, in its approval, shall be upon performance characteristics, rather than construction and materials, except for determining whether vision and hearing are impaired.
  - c) The Board may give consideration to any performance tests of helmets conducted by consumer groups or other safety helmet testing associations but the results of such tests shall not be determinative or conclusive upon the Board.
  - d) In any accident, the safety helmet shall be impounded by the stewards for use in their inquiry of the accident.
  - e) The Board does not conduct actual testing of helmets. The Board, therefore, disclaims any liability for the use of any helmet that fails to protect an individual from personal injury.

#### **Section 1313.50 Equipment Change and Records**

The race track operator shall require owners and agents of all horses, before starting in a race conducted by the Illinois Racing Board to register, with the paddock judge of the race track operator, the regular racing equipment to be worn by the horse to be raced. Copies of the same shall be forwarded to the presiding judge and the Board. Any changes or alterations in this equipment must be approved by the judges.

#### **Section 1313.60 Sulky Performance Standards**

- a) All styles, types and models of racing sulkies shall pass all performance and testing standards as established in this Part before approval for use is granted. Testing shall include Static Load Testing, Dynamic Load Testing and Track Testing.

- b) The sulky shall not create either by design or manufacture any interference or hazard to any driver or horse in a race.
  - 1) All components of the sulky shall be attached to one another in such a way that they remain attached during normal use and testing.
  - 2) No bent shaft style sulky shall be approved.
- c) Each sulky shall be equipped with two shafts that are attached independent of one another to the horse. Inside to inside measurements shall be within a range of 42" to 50" at the front of the arch. All shafts shall be equipped with quick-hitch fixtures or attachable by conventional tie-downs. All quick-hitches shall have safety straps.
- d) The style of arch must be no narrower than 47" or wider than 56" in distance measuring from the inside of each side of the arch at the axle nuts.
  - 1) The front of the arch to the center line of the harness where a horse is hitched shall be no greater than 76" as measured along the shaft.
  - 2) The distance from the front of the arch to the back of the seat shall be no greater than 19".
  - 3) The distance from the ground to the bottom of the arch shall be between 28" and 35" measured with the wheels attached.
  - 4) The arch shall be parallel to the ground and located a minimum of 1" higher than the tire at all points.
- e) Inside measurements between the inside fork assemblies shall be 6" greater than the inside measurements between the shafts as measured at the front of the arch (e.g., shafts 40"/inside forks 46", shafts 46"/inside forks 52"). Fork measurements shall be taken from the inside of each side of the arch at the axle nut. There shall be a fork assembly on both sides of each wheel.
- f) Each sulky shall be equipped with two stirrups. Each stirrup shall not be more than 8" wide. The stirrups shall be attached to the inside of each shaft no closer than 30" from stirrup to stirrup.
- g) The measurement from the ground to the heel of the stirrup and ground seat plate shall have a spread of no more than 6" as measured with the bike hitched at 54".
  - 1) The seat plate shall be no lower than 1" below the arch.
  - 2) The seat shall be securely attached to the seat bracket in a fixed position.

- 3) The back of the seat shall be no higher than 4". No high back seats shall be approved.
- 4) All seats shall have adequate padding to provide comfort for the driver.
- h) Each sulky shall contain two wheels. The wheels shall be 26" to 28" with tire attached. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are light weight and durable. Wheel discs shall be either unicolor or colorless.
- i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.
- j) The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse. The shafts shall not be higher than the withers of the horse.

#### **Section 1313.70 Horses in Paddock**

- a) All horses must be in the paddock, in their assigned stalls, between 4 hours and 6 hours before scheduled post time of the race in which the horse is entered, as determined by the Board. Horses racing in stakes races with a purse of \$20,000 or greater, and elimination races for stakes races with a purse of \$40,000 or greater, shall be in their assigned stalls in the paddock at 12:00 noon the day of the race. Failure to have a horse in the assigned stall at the designated deadline shall result in the horse being scratched, and the trainer of record shall be subject to a fine not less than \$200 and not more than \$500. The fine may be waived if the Stewards determine that a verifiable emergency (for example, inclement weather, medical emergency or trainer vehicle breakdown or accident) prevented the trainer from getting the horse to the racetrack at the designated deadline. The trainer shall submit appropriate written documentation of the emergency as determined by the Stewards (for example, emergency room report, towing or repair bill or police report). Except for warm-up scores, no horse shall leave the paddock until called to post.
- b) Persons entitled to admission to the paddock are:
  - 1) Owners of horses competing on the date of the race.
  - 2) Trainers of horses competing on the date of the race.
  - 3) Drivers of horses competing on the date of the race.
  - 4) Grooms and caretakers of horses competing on the date of the race.

- 5) Officials whose duties require their presence in the paddock or receiving barn.
- c) No more than 2 members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day.

### **Section 1313.80 Body Alcohol Testing**

Body alcohol testing of sulky drivers shall be conducted in accordance with the Illinois Racing Board Rules and Regulations.

### **Section 1313.100 Firearms**

No person, except track security personnel and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any fire arm within any race track enclosure.

### **Section 1313.110 Private Practice Prohibited**

No veterinarians designated as officials at any race meeting shall practice their profession upon the grounds at such race meeting without special permission from the Board, except however, such veterinarian may act in case of an emergency and only for so long as such emergency may exist.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. 15442, effective September 30, 1994; emergency amendment at 28 Ill. Reg. 5713, effective March 22, 2004, for a maximum of 150 days, emergency expire August 20, 2004; amended at 28 Ill. Reg. 12119, effective August 22, 2004; amended at 29 Ill. Reg. 19688, effective December 1, 2005; amended at 31 Ill. Reg. 16519, effective December 1, 2007; amended at 33 Ill. Reg. 11890, effective August 1, 2009.

**PART 1314**  
**GENERAL RACING AND TRACK RULES**

**Section**

1314.20	Extra Races
1314.30	Postponement of Races
1314.40	Postponement Procedure
1314.50	Post Time
1314.60	Head Numbers
1314.70	License Display
1314.80	Bonafide Contests
1314.90	Payment Default
1314.100	Liability for Promoters
1314.120	Bad Checks
1314.130	Advertised Purse
1314.140	Advertising and Awards
1314.150	Allocation of Stalls
1314.160	Paddock and Receiving Barn
1314.170	Photofinish and Starting Gate
1314.180	Driver Insurance
1314.190	Interference with Officials
1314.200	Film Recordings
1314.210	Penalty for Violation of Rules
1314.220	Stall Availability
1314.230	Limitation on Purse Reductions

**Section 1314.20 Extra Races**

No additional races on a racing date will be permitted without the written approval of the Executive Director, and subject to conditions by the Board.

**Section 1314.30 Postponement of Races**

No racing shall be conducted by any race track operator over any track which is dangerous to drivers or horses competing thereon. If at any time inclement weather or other conditions appear to make the track unsafe, representatives of management and the horsemen shall meet to determine whether or not racing shall be conducted. If a difference of opinion exists, the decision of the state steward shall be final.

**Section 1314.40 Postponement Procedure**

- a) Early closing races, stakes and futurities shall be postponed to a definite hour the next fair day and good track.
- b) Any late closing race, early closing race, stake or futurity (except as provided in subparagraph c below) that cannot be raced during the scheduled meeting shall

be declared off and the entrance money and forfeits shall be divided equally among the nominators who have horses declared in and eligible to start.

- c) Unless otherwise provided in the conditions, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the track and from all those having eligibles in the event.
- d) Overnight events may be postponed and carried over not to exceed two racing days.
- e) At the option of management, any postponed races may be contested in single mile dashes. When races are postponed under this rule, management shall have the privilege of selecting the order in which the events will be raced in any combined program.
- f) Any stake or futurity that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to the summary except where the Board allows the track to extend the meeting to complete the race.

#### **Section 1314.50 Post Time**

Post time for the first race of the program may be fixed by the race track operator. If post time must be delayed, the operator must receive approval of the delay from the Stewards.

#### **Section 1314.60 Head Numbers**

Each competing horse shall be equipped with numbers of style, type and design approved by the state steward. Numbers shall be arranged so that coupled horses may be distinguished as such, and that horses coupled in the field may be distinguished as such.

#### **Section 1314.70 License Display**

During the course of its race meetings, each licensed race track operator shall display the license issued by the Board for the current year.

#### **Section 1314.80 Bonafide Contests**

All races shall be bonafide contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No hippodroming or other arrangement for equal distribution of the purse money among the contestants is permitted. Violation of this rule will subject the track officials in charge and the owners and drivers to fine, suspension and/or expulsion.

### **Section 1314.90 Payment Default**

Any track that defaults in the payment of a premium that has been raced for, shall, after a hearing before the Board, stand suspended, together with its officers. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payments to be made to the owners, nominators, or breeders of money winning horses and organization or promotion expenses stipulated for stakes and futurities.

### **Section 1314.110 Liability for Promoters**

If at a meeting of a licensed track, a race is contested which has been promoted by another party or parties, and the promoters thereof default in the payment of the amount raced for, the same liability shall attach to the licensed track as if the race had been offered by such licensed track.

### **Section 1314.120 Bad Checks**

If track pays any purse by check, which upon presentation is dishonored, the matter shall immediately be referred to the Board for disposition.

### **Section 1314.130 Advertised Purse**

When any track advertises minimum purses and conducts any race for less than said advertised minimum, unless previously sanctioned by the Illinois Racing Board, such track shall be fined the difference between the advertised minimum and the lesser purse for which such race was conducted and the proceeds of such fine may be distributed among the money winning horses in proportion to their respective winnings.

### **Section 1314.140 Advertising and Awards**

Except as herein stated, no track shall advertise to pay or pay any awards other than to owners, nominators, or breeders of money winning horses. Awards may be made to drivers of horses breaking or equaling track or world records, or to leading drivers at meetings.

### **Section 1314.150 Allocation of Stalls**

- a) No race track operator shall allocate stalls except pursuant to a written stall application and agreement, the form of which shall have been approved by the Board. The racing secretary shall be responsible for stall allocation unless some other official is substituted by the race track operator to perform that function and the Board notified of the substitution.
- b) Notification
  - 1) The racing secretary shall give each applicant written notice specifying whether an application, with respect to each stall requested, has been

accepted, denied, or placed in a pending status. The notice shall be given not later than five days prior to the start of the meeting or ten days after receipt of the stall application, whichever occurs last.

- 2) Within ten days after initial notification is required by this Section, final action shall be taken and written notice given with respect to any stall application originally placed, in whole or in part, in a pending status.
- c) The racing secretary's view of the best interest of racing and of the meeting in question shall govern his action on stall applications, and he shall be allowed broad discretion in performing this function. Nevertheless:
- 1) No action on a stall application shall be based upon -
    - A) the race, color, creed, religion, national origin or sex of the applicant, or
    - B) an arbitrary or capricious decision, or a decision not related to any reasonable view of the best interests of racing or of the meeting in question.
  - 2) No stall allocation shall be conditioned upon the payment, transfer or delivery to the racing secretary, or to any other person designated by him, of any money, property or other thing of value or upon the applicant's promise to make such payment, transfer or delivery.
- d) Any owner, trainer or other person believing himself to be aggrieved by a violation of this Section may file a written complaint with the Board which shall conduct a hearing with respect to the alleged violation. If the Board determines that such a violation has occurred, it may impose a fine upon the race track operator not to exceed \$500 for each violation, may order that stalls be allocated to the complainant and may take other action as it deems appropriate. In order to facilitate the conduct of inquiries into alleged violations of this Section, the racing secretary shall cause all stall applications, stall agreements, correspondence and other related material to be retained until the close of the meeting or for a longer period as the Board may direct.
- e) In passing upon stall applications that are of substantially equal merit, the racing secretary shall give preference to applications submitted with respect to horses owned by Illinois residents.
- f) Acceptance of an application for stall space for any horse shall be conditioned upon proof of a negative Coggins test for equine infectious anemia.

#### **Section 1314.160 Paddock and Receiving Barn**

- a) Every extended pari-mutuel track shall provide a paddock and a receiving barn.
- b) The paddock and receiving barn must be completely enclosed with a man-tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.
- c) During racing hours, each track shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.
- d) During racing hours, each track shall provide the services of a blacksmith within the paddock.
- e) Each track shall see that the provisions of this rule are rigidly enforced and the Board may impose a fine not to exceed \$500. for each violation of this rule.

#### **Section 1314.170 Photofinish and Starting Gate**

- a) At all tracks a photo finish and starting gate must be used. Whenever the judges use a photo to determine the order of finish, it shall be posted for public inspection during that same racing program. Photo finish equipment shall be approved by the Stewards.
- b) The State Steward and Association Steward shall review all photo finishes and confirm or correct the decision of the placing judges before a race is declared official.

#### **Section 1314.180 Driver Insurance**

Each track shall prepare and prominently display in the racing secretary's office, a statement giving the name of the company with which it carries driver insurance.

#### **Section 1314.190 Interference with Officials**

Although track operators have the obligation of general supervision of their meetings, interference with the proper performance of duties of any official is hereby prohibited.

#### **Section 1314.200 Film Recordings**

- a) All race track operators shall take and make at their own expense a complete recording of all races run. The number and location of recording stations, the type of equipment used, and the quality of the image must be satisfactory to the state steward. The state steward shall certify to the Board, three days prior to the opening of any meeting, in writing, that he approved the recording system,

and believes it to be adequate. No system shall be so certified unless it can deliver the recording of the race within two minutes of the finish of that race.

- b) These recordings shall be under the control of the state steward and shall not be shown to other persons without his permission. The race track operator shall hold all recordings from one year from the final date of the race meeting at which they are made. Race track operators shall hold for five years, all recordings in which there are infractions or claims of foul and such other recordings as the state steward shall designate.
- c) In order to educate and protect the drivers, race track operators shall provide facilities where recordings may be shown to the drivers.

#### **Section 1314.210 Penalty for Violation of Rules**

Any race track operator who violates any provision of the Rules and Regulations of Harness Racing or of the Illinois Horse Racing Act of 1975 may be fined no more than \$5000. for each such violation and/or may have said operator's license to conduct a harness racing meeting suspended or revoked.

#### **Section 1314.220 Stall Availability**

- a) That applicant for racing dates which is allotted the first meeting for the harness racing season in any year within Cook County, as a condition to its receiving its license to conduct a racing meeting, shall make available to horsemen and their horses the backstretch and racing surface facilities at the race track at which such first meeting is to be conducted no less than three weeks prior to the commencement of such first meeting.
- b) That applicant for racing dates which is allotted the first meeting for the harness racing season in any year at a race track more than 150 miles from Cook County, as a condition to its receiving its license to conduct a racing meeting, shall make available to horsemen and their horses the backstretch and racing surface facilities at the race track at which such first meeting is to be conducted no less than six weeks prior to the commencement of such first meeting.

#### **Section 1314.230 Limitation on Purse Reductions**

- a) No purse for any race may be reduced after said purse has been advertised, published, or reflected in the conditions unless notice of said reduction is promptly given to the state steward, promptly posted on the public bulletin board in the racing secretary's office for the inspection of owners, trainers, and the public, and listed in the "overnight sheets".
- b) No purse for any race may be reduced after the first entry is made for any such race.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended at August 8, 1973; added March 15, 1974, filed March 22, 1974; amended April 11, 1974, filed and effective April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10939; amended at 16 Ill. Reg. 8229, effective May 19, 1992; amended at 30 Ill. Reg. 10467, effective June 1, 2006.

**PART 1316  
STARTING**

**Section**

1316.10	Starting Gate
1316.20	Use of Loudspeaker
1316.30	Two Tiers
1316.40	Horses Must Go the Course
1316.50	Unmanageable Horses
1316.60	Starting Gate Shields
1316.70	Riding With the Starter

**Section 1316.10 Starting Gate**

- a) Horses shall be started from a starting gate. The starter shall have control of the horses from the formation of the parade until he gives the word "go."
- b) After one or two preliminary warming up scores, the starter shall notify the drivers to come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted. Horses may be held on the backstretch not to exceed two minutes awaiting post time, except during an emergency.
- c) The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.
- d) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:
  - 1) For the first one-eighth mile, not less than 11 miles per hour.
  - 2) For the next one-sixteenth of a mile, not less than 18 miles per hour.
  - 3) From that point to the starting point, the speed will be gradually increased to maximum speed.
- e) On mile tracks, horses will be brought to the starting gate at the head of the stretch and the relative speeds mentioned in sub-section d above will be maintained.
- f) The starting point will be a point marked on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.
- g) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

- h) In case of a recall, a light plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses.
- i) There shall be no recall after the word "go" has been given, and, any horse, regardless of his position, or an accident, shall be deemed a starter from the time he entered into the starter's control, unless dismissed by the starter or declared a non-starter by the stewards.
- j) The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a breaking horse.
- k) The starter has the authority to sound a recall if:
  - 1) A horse scores ahead of the gate.
  - 2) There is interference.
  - 3) A horse has broken equipment.
  - 4) A horse falls before the word "go" is given.
- l) Any horse causing two recalls will be dismissed by the starter.
- m) If the starter has not dismissed a horse or ordered a recall and the stewards observe any of the factors enumerated in Section 1316.10(k), the stewards shall declare the horse a non-starter if the horse is unable to finish the race.
- n) All wagers on any horse dismissed by the starter or declared a non-starter by the stewards shall be refunded except when a consolation payoff is applicable.
- o) A civil penalty not to exceed \$100. or suspension from driving not to exceed 15 days, or both, shall be applied to any driver for:
  - 1) Delaying the start.
  - 2) Failure to obey the starter's instructions.
  - 3) Rushing ahead of the inside or outside wing of the gate or rushing the gate.
  - 4) Coming to the starting gate out of position.
  - 5) Crossing over before reaching the starting point.
  - 6) Interference with another driver during the start.

- 7) Failure to come into position and/or failure to stay in position.
- p) The stewards shall discuss the matter with the driver before any penalty is imposed.

### **Section 1316.20 Use of Loudspeaker**

Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

### **Section 1316.30 Two Tiers**

In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

### **Section 1316.40 Horses Must Go the Course**

The horses shall be deemed to have started when the word "go" is given by the starter and all horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course. Drivers must be mounted at the finish of the race or the horse must be placed as not finishing.

### **Section 1316.50 Unmanageable Horses**

If in the opinion of the judges or the starter a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn, but the entry and declaration fees on the horse shall then be refunded. In no event shall such a horse be placed on the outside. When a horse is sent to the barn, the starter will notify the judges who will in turn notify the public.

### **Section 1316.60 Starting Gate Shields**

The arms of all starting gates shall be provided with a screen or a shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

### **Section 1316.70 Riding With the Starter**

No persons shall be allowed to ride in the starting gate except the starter and his driver or assistant, and a patrol judge, unless permission has been granted by the state steward.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 10942; amended at 8 Ill. Reg. 11458, effective June 21, 1984.

**PART 1317**  
**DRIVERS, TRAINERS, AND AGENTS**

**Section**

1317.10	Proper License
1317.20	Approval of License
1317.30	Driver's Bench (Repealed)
1317.40	Disorderly Conduct
1317.50	Caretakers
1317.60	Colors
1317.70	Restricted Areas for Drivers in Colors
1317.80	Driver Substitutions
1317.85	Conflict of Interest
1317.90	Driving Violations
1317.100	Color Registration
1317.110	Repeated Violations
1317.120	Accidents
1317.130	Physical Examination
1317.140	Objections
1317.150	Drivers Meeting
1317.160	Traffic Procedure

**Section 1317.10 Proper License**

No driver is eligible to participate in races without a driver's license issued by the United States Trotting Association. Drivers lacking said license must petition the Board for an Illinois driver's license.

**Section 1317.20 Approval of License**

Drivers must present their licenses to the clerk of the course before driving.

**Section 1317.30 Driver's Bench (Repealed)**

**Section 1317.40 Disorderly Conduct**

The following shall constitute disorderly conduct and be reason for a civil penalty, suspension, or revocation of a driver's license:

- a) Failure to obey the stewards' or judges' orders;
- b) Failure to drive when programmed unless excused by the stewards.
- c) Appearing in the paddock in an unfit condition to drive;
- d) Fighting;

- e) Assaults;
- f) Offensive and profane language;
- g) Smoking on the track in silks during actual racing hours or in the barns and stables;
- h) Warming up a horse prior to racing without silks; or
- i) Disturbing the peace.

#### **Section 1317.50 Caretakers**

No attendant of a horse shall appear upon the track one hour preceding post time of the first event of the day or night without proper uniform. No attendant of a horse shall smoke upon the track.

#### **Section 1317.60 Colors**

Drivers must wear distinguishing colors and shall not be allowed to start in a race or other public performance unless in the opinion of the judges they are properly dressed. In any race or appearance on the race track during the racing program, raingear worn by a driver shall be in his own or his owner's colors.

#### **Section 1317.70 Restricted Areas for Drivers in Colors**

No driver wearing colors shall appear at a betting window, grandstand or clubhouse, or at a bar or in a restaurant or any other such place unless permitted by the stewards.

#### **Section 1317.80 Driver Substitutions**

No driver can, without good and sufficient reasons, decline to be substituted by judges. Any driver who refuses to be so substituted may be fined or suspended, or both, by order of the judges.

#### **Section 1317.85 Conflict of Interest**

- a) No driver shall drive a horse in a race in which there shall start another horse that he in any way represents or handles, unless coupled as an entry.
- b) No driver shall drive a horse in a race in which there shall start another horse in which he has a financial or business interest, or an interest that is injurious to racing as determined by the stewards, unless coupled as an entry.

### **Section 1317.90 Driving Violations**

Where the penalty is for a driving violation and does not exceed in time a period of five days, the driver may complete the engagements of all horses declared in before the penalty becomes effective. Such driver may drive in stake, futurity, early closing and feature races during a suspension of five days or less, but the suspension will be extended one day for each date he drives in such a race.

### **Section 1317.100 Color Registration**

Drivers holding a full license or registered stables shall register their racing colors with the United States Trotting Association.

### **Section 1317.110 Repeated Violations**

Repeated rule violations shall be considered grounds for refusal to grant or grounds for revocation of any driver's license.

### **Section 1317.120 Accidents**

In the event any person is involved in an accident on the track, the Board may order such person to submit to a physical examination and such examination must be completed within 30 days from such request or the license may be suspended until compliance therewith.

### **Section 1317.130 Physical Examination**

- a) An applicant for a driver's license may be required to take a physical examination before his application will be considered.
- b) The Illinois Racing Board reserves the right to require any driver to take a physical examination at any time.

### **Section 1317.140 Objections**

The stewards must decide every objection pertaining to a race.

### **Section 1317.150 Drivers Meeting**

Before the first race at any pari-mutuel meet is contested, officials and drivers shall meet at a time and place designated by the presiding judge and discuss the Rules and Regulations. Every driver shall be notified of the time and place of said meeting in writing with notification delivered at the stable of such driver at least one day in advance of such meeting. Drivers who come in after the meeting has started shall introduce themselves to the state steward or presiding judge and discuss the Rules and Regulations before driving in their first race.

**Section 1317.160 Traffic Procedure**

Horses meeting on the track shall pass to the left.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10943; amended at 10 Ill. Reg. 10144, effective May 27, 1986; amended at 11 Ill. Reg. 14813, effective August 24, 1987; amended at 14 Ill. Reg. 17639, effective October 16, 1990; amended at 28 Ill. Reg. 15800, effective December 1, 2004.

**PART 1318  
RACING RULES**

**Section**

1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Use of the Whip
1318.100	Goading Devices (Repealed)
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

**Section 1318.10 Racing Conduct**

Although a leading horse is entitled to any part of the track except after selecting his position in the home stretch, neither the driver of the first horse or any other driver in the race shall do any of the following things, which shall be considered violations of driving rules:

- a) Change either to the right or left during any part of the race when another horse is so near him, that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride;
- b) Jostle, strike, hook wheels, or interfere with another horse or driver;
- c) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;
- d) Swerve in and out or pull up quickly;
- e) Crowd a horse or driver by "putting a wheel under him";

- f) "Carry a horse out" or "sit down in front of him," take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, or do any other act which constitutes helping;
- g) Let a horse pass inside needlessly;
- h) Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed;
- i) Commit any act which shall impede the progress of another horse or cause him to "break";
- j) Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such a manner as to interfere with another horse or cause him to change course or take back;
- k) Drive in a careless or reckless manner;
- l) Whip under the arch of the sulky; or
- m) Failure to set and maintain a proper pace while driving.

### **Section 1318.20 Complaints**

- a) All complaints by drivers of any foul driving or other misconduct during a heat or dash must be made at the termination thereof, unless the driver is prevented from doing so by an accident or injury. At the conclusion of each heat or dash, every driver shall return in the sulky to the judges' stand to be dismissed by the judges or barrier judge. Any driver desiring to enter a claim of foul or other complaint of violation of the rules must before dismounting indicate to the barrier judge his desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection or complaint shall have been entered and considered.
- b) After being dismissed by the judges or barrier judge, all drivers must return to the paddock and remain there until the race is made official.

### **Section 1318.30 Disqualification of Entries**

- a) If two or more horses are coupled in the betting as an entry and one or more of them is guilty of interference or is disqualified for violation of any portion of this Part (11 Ill. Adm. Code 1318), the other horse coupled as an entry shall also be disqualified if the stewards determine that it improved its finishing position as a direct result of the violation.

- b) In determining the extent of disqualification, the stewards shall disqualify and place the offending horse or horses behind such horses as may have suffered by reason of the violation of the rules.

#### **Section 1318.40 Penalties**

In the case of interference, collision, or violation of any part of this rule, the offending horse may be placed behind all the unoffending horses in that heat or dash, and in the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings; and the driver may be fined not to exceed the amount of the purse or stake contended for, or may be suspended or expelled.

#### **Section 1318.50 Unsatisfactory Driving**

- a) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven, or has been driven with the design to prevent his winning a heat or dash which he was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone in concert with him, to so affect the outcome of the race or races, may be fined, suspended or expelled. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.
- b) In the event a drive is unsatisfactory due to lack of effort or carelessness, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they may impose a penalty under this sub-section not to exceed 10 days suspension or a \$100. fine.

#### **Section 1318.60 Driver Substitution**

If in the opinion of the judges, a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges, or is reckless in his conduct and endangers the safety of horses or other drivers in the race, he may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be fined, suspended or expelled. The substitute driver shall be properly compensated.

#### **Section 1318.70 Failure to Finish**

If for any cause other than being interfered with, or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

### **Section 1318.80 Improper Conduct**

Loud shouting or other improper conduct is forbidden in a race. After the word "go" is given, both feet must be kept in the stirrups until after the finish of the race. Drivers must have both feet in the stirrups when horses are parading to the post and during qualifying races.

### **Section 1318.90 Use of the Whip**

- a) Drivers will be allowed whips not to exceed 4 feet in total length plus a snapper not longer than 6 inches. All whips are subject to inspection and measurement by the Board. Whips shall not be modified and snappers shall not be knotted.
- b) Whipping below the shafts, including but not limited to the stifle area, is prohibited.
- c) The following actions shall considered as excessive and/or abusive:
  - 1) Whipping a horse during a post parade, scoring down, or after the finish of a race, except when necessary to control the horse;
  - 2) Use of the whip as a poking or goading device;
  - 3) Striking any part of the horse under the tail or between the legs;
  - 4) Whipping a horse that is not advancing or out of contention;
  - 5) Causing visible injury; or
  - 6) Use of any object or stimulating device.
- d) Whipping a horse during the race, when it is necessary to control the horse, shall not be considered excessive and/or abusive.
- e) Drivers shall keep a line in each hand from the start of the race until the beginning of the open stretch or the 7/8 mile pole, as applicable. One-handed whipping from the beginning of the open stretch or the 7/8 mile pole to the finish of the race is restricted to elbow and wrist action only. The whipping arm shall not be raised above shoulder height or behind the driver. One-handed whipping shall be prohibited entering the stretch the first time on a 1/2 mile racetrack.

f) Penalties

Penalties for violation of any of the provisions of this Section are as follows:

- 1) 1<sup>st</sup> offense – minimum fine of \$200 to a maximum of fine of \$500;
- 2) 2<sup>nd</sup> offense within a 365 day period after the 1<sup>st</sup> offense – minimum fine of \$400 to a maximum fine of \$1,000;
- 3) 3<sup>rd</sup> offense within a 365 day period after the 1<sup>st</sup> offense – minimum fine of \$1,000 and a 7 day suspension;
- 4) For a 4<sup>th</sup> or subsequent offense within a 365 day period after the 1<sup>st</sup> offense – minimum fine of \$2,000 and a 10 day suspension.

**Section 1318.110 Accidents**

In the case of accidents, only so much time shall be allowed as the judges may deem necessary and proper.

**Section 1318.120 Use of Hopples**

Any person found guilty of removing or altering a horse's hobbles for the purpose of fraud shall be suspended, or expelled. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by the permission of the judges. Any horse habitually racing free-legged shall not be permitted to wear hobbles in a race except with the permission of the judges. No horse shall be permitted to wear a headpole protruding more than 10 inches beyond its nose.

**Section 1318.130 Breaking**

- a) When a horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse to the inside or outside and pull it to its gait.
- b) The following shall be considered violations of this rule:
  - 1) Failure to properly attempt to pull the horse to its gait.
  - 2) Failure to take to the inside or outside where clearance exists.
  - 3) Failure to lose ground by the break.

- 4) An extended break (i.e., any break in gait that lasts 1/16 mile or more).
- c) If there has been no failure on the part of the driver in complying with sub-sections b(1), b(2), b(3) and b(4), the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.
- d) The judges may set any horse back one or more places if in their judgment any of the above violations have been committed and the driver may be punished.
- e) If a horse goes offstride during any part of the race, and, in the opinion of the stewards, interferes with any horse or horses, that interference shall constitute a violation. The offending horse shall be placed behind all horses interfered with unless the driver of the horse or horses interfered with failed to exercise reasonable care to avoid the incident.

#### **Section 1318.140 Breaking on Purpose**

If, in the opinion of the judges, a driver allows his horse to break for the purpose of fraudulently losing a heat or dash, he shall be liable to the penalties elsewhere provided for fraud and fouls.

#### **Section 1318.150 Call Out Breaks**

To assist in determining the matters contained in sections 7.02 and 7.03, (11 Ill. Adm. Code Sections 1307.20 and 1307.30) it shall be the duty of one of the judges to call out every break made, and the clerk shall at once note the break and character of it in writing.

#### **Section 1318.160 Right of Course**

Horses called for a race shall have the exclusive right of the course and all other horses shall vacate the track at once, unless permitted to remain by the judges.

#### **Section 1318.170 Penalties**

Any violation of any sections of the above rule, unless otherwise provided, may be punished by a fine and/or suspension or by expulsion.

#### **Section 1318.180 Harness Tracks Without a Continuous Hub Rail**

- a) In the event a horse or part of the horse's sulky leaves the course, and if, in the opinion of the stewards, that action gives the horse an unfair advantage over the other horses in the race, the horse may be disqualified or placed back one or more positions. In any such disqualification or placing, the horse gaining an unfair advantage shall be disqualified or placed behind the horse or horses effected.

- b) In the event a horse or part of the horse's sulky leaves the course for any reason, it shall be the driver's responsibility to take all reasonable steps to safely re-enter the race course as soon as possible.

### **Section 1318.190 Open Stretch Racing**

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of existing rail.
- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply:
  - 1) No horse shall pass on the extended inside lane entering the stretch the first time on a 1/2 mile track.
  - 2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.
  - 3) Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear may be disqualified by the Steward.
  - 4) No horse may be driven into the open stretch for the purpose of blocking or impeding a trailing horse. It shall be presumed that a horse that blocks or impedes a trailing horse in the open stretch without advancing on a leading horse is being driven for the purpose of blocking or impeding a trailing horse. Violation of this provision may result in a disqualification, and the driver may be fined.

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days, emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043, effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006; amended at 34 Ill. Reg. 2324, effective January 27, 2010; amended at 35 Ill. Reg. 8500, effective May 23, 2011; amended at 40 Ill. Reg. \_\_\_\_\_, effective March 1, 2016.

**PART 1319**  
**PLACING AND MONEY DISTRIBUTION**

**Section**

1319.10	Placing
1319.20	Money Distribution

**Section 1319.10 Placing**

Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis with the money awarded according to a horse's position in each separate race or heat of a race.

**Section 1319.20 Money Distribution**

- a) Unless otherwise specified in the conditions, the money distribution in dashes shall be 50 per cent, 25 per cent, 12 per cent, 8 per cent and 5 per cent. In early closing events, late closing events or added money events, if there are less than five starters, the remaining premium shall go to the race winner unless the conditions call for a different distribution. In overnight events if there are less than five starters, the premium for the positions for which there are no starters may be retained by the track.
- b) If horses have started for any premium or premiums but were unable to finish due to an accident or otherwise, all unoffending horses who did not finish will share equally in such premium or premiums.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10947.

**PART 1320**  
**FORBIDDEN CONDUCT**

**Section**

1320.10	Improper Conduct
1320.20	Assault and/or Battery
1320.30	Conspiracy Not to Race
1320.40	Demand Special Rewards
1320.50	Betting On Starters
1320.60	Fraudulent Proposals
1320.70	Acts Injurious to Racing
1320.80	Conspiracy to Violate Rules
1320.90	Sworn Oaths
1320.100	Association with Undesirables
1320.110	Bookmaking
1320.130	Betting By Board Employees
1320.150	Humane Treatment of Horses (Repealed)

**Section 1320.10 Improper Conduct**

No owner, trainer, driver, attendant of a horse, or any other person shall use improper language to an official, or be guilty of any improper conduct toward such officers or judges or persons serving under their orders, such improper language or conduct having reference to the administration of the course, or of any race thereon.

**Section 1320.20 Assault and/or Battery**

No licensee on organization grounds shall commit an assault or battery.

**Section 1320.30 Conspiracy Not to Race**

If any owner, trainer, or driver, of a horse shall threaten or join with others in threatening not to race, or not to declare in, because of the entry of a certain horse or horses, or a particular stable, thereby compelling or trying to compel the racing secretary to reject certain eligible entries, it shall be immediately reported to the state steward and the offending parties may be suspended pending a hearing.

**Section 1320.40 Demand Special Rewards**

No owner, agent or driver who has entered a horse shall thereafter demand of the track a bonus of money or other special award or consideration as a condition for starting the horse.

### **Section 1320.50 Betting On Starters**

No owner, trainer, driver, agent, employee or attendant shall bet or cause any other person to bet on his behalf on any other horse in any race in which a horse owned, trained, or driven or in which he in any way represents or handles is a starter.

### **Section 1320.60 Fraudulent Proposals**

If any person under the jurisdiction or control of the Board is approached with any offer or promise of a bribe, or with a request or a suggestion for a bribe, or for any improper, corrupt or fraudulent act or practice in relation to a race or racing, or that any race shall be conducted otherwise than fairly in accordance with the Rules and Regulations of the Board, it shall be the duty of such person to report immediately such matters to the judges and the Board. Persons violating this section will be suspended for a period of not less than 30 days to a lifetime suspension.

### **Section 1320.70 Acts Injurious to Racing**

Any misconduct on the part of a race track operator or participant, fraudulent in its nature or injurious to the character of the turf, although not specified in these rules, is forbidden. Any person or persons who individually or in concert with one another, shall fraudulently and corruptly, by any means, affect the outcome of any race or affect a false registration or commit any other act injurious to the sport, shall be guilty of a violation.

### **Section 1320.80 Conspiracy to Violate Rules**

If two or more persons shall combine and confederate together in any manner, regardless of where the said persons may be located, for the purpose of violating any of these rules and shall commit some act in furtherance of the said purpose and plan, it shall constitute a conspiracy and a violation.

### **Section 1320.90 Sworn Oaths**

In any case where an oath is administered by judges, or a representative of this Board under the Rules and Regulations, or a Notary Public, or any other person legally authorized to administer oaths, if the party knowingly swears falsely or withholds information pertinent to the investigation, he shall be fined, suspended, or both, or expelled.

### **Section 1320.100 Association with Undesirables**

No owner, driver, trainer, groom, attendant or any other person having charge of or access to any horse shall at any time associate with, consort with or in any manner communicate with any known bookmaker, tout or persons of similar pursuits either on or off the track. If the reputation of a gambler, bookmaker, tout or person of similar pursuit is notorious, the owner, driver, trainer, groom, attendant or other persons having charge of, or access to any horse shall

be presumed to have knowledge of the fact. Persons violating this section will be suspended for a period of not less than 30 days to a lifetime suspension.

#### **Section 1320.110 Bookmaking**

Anyone guilty of making a handbook on the grounds of any race track operator shall be ejected from the grounds, and denied further admission thereto, and any owner, driver, or other person interested in any horse or horses at said meeting, who shall be guilty of betting with or through any such handbook, shall be ejected from the grounds or denied admission by order of the stewards.

#### **Section 1320.130 Betting By Board Employees**

Any person appointed or approved by the Board is prohibited from betting or having anyone bet for him. Employees violating this rule shall be removed from their positions.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10948; amended at 9 Ill. Reg. 11653, effective July 15, 1985; amended at 18 Ill. Reg. 17751, effective November 28, 1994; amended, effective April 15, 1996; amended at 31 Ill. Reg. 16524, effective December 1, 2007.

**PART 1322**  
**FINES, SUSPENSION, AND EXPULSION**

**Section**

1322.10	Suspension Until Paid
1322.20	Fines and Penalties Recorded
1322.30	Definition of Suspension
1322.40	No Right to Compete
1322.50	Fraudulent Transfer
1322.60	Track Enforcement of Penalties
1322.70	Use of Track Grounds
1322.80	Exclusion
1322.90	Track Officers
1322.100	Dishonored Check (Repealed)

**Section 1322.10 Suspension Until Paid**

All persons who shall have been fined under these Rules and Regulations shall be suspended until said fine shall have been paid in full.

**Section 1322.20 Fines and Penalties Recorded**

All fines and other penalties imposed by the judges or starter on any person or horse on the grounds of a track shall be recorded in the judges' book. Written or printed notice thereof shall be delivered to the person penalized; notice shall be posted immediately at the office of the track, and notice shall be forwarded immediately to the office of the United States Trotting Association. All penalties imposed on a driver shall be recorded by track officials on the reverse side of the driver's United States Trotting Association or Illinois license.

**Section 1322.30 Definition of Suspension**

Whenever the penalty of suspension is prescribed in these rules, it shall be construed to mean an unconditional exclusion and disqualification from the time of receipt of written notice of suspension from privileges and uses of the course and grounds of a track during the progress of a race meeting, unless otherwise specifically limited when such suspension is imposed, such as a suspension from driving. A suspension or expulsion of either a husband or wife shall apply in each instance to both the husband and wife. The suspension becomes effective when notice is given unless otherwise specified.

**Section 1322.40 No Right to Compete**

No horse shall have the right to compete while owned or controlled wholly or in part by a suspended, expelled, disqualified or excluded person. An entry made by or for a person or of a horse suspended, expelled or disqualified, shall be held liable for the entrance fee thus contracted without the right to compete unless the penalty is removed. A suspended,

disqualified or excluded person who shall drive, or a suspended or disqualified horse which shall perform in a race shall be fined not less than \$50., nor more than \$100., for each offense.

#### **Section 1322.50 Fraudulent Transfer**

The fraudulent transfer of a horse by any person or persons under suspension in order to circumvent said suspension, shall constitute a violation.

#### **Section 1322.60 Track Enforcement of Penalties**

Any track wilfully allowing a suspended, disqualified or excluded person to drive in a race, or a suspended or disqualified horse to start in a race or a performance against time, after notice, shall be, together with its officers, subject to fine not exceeding \$100. for each offense, or suspension of license.

#### **Section 1322.70 Use of Track Grounds**

Any track wilfully allowing the use of its grounds by an expelled or unconditionally suspended person or horse shall be, together with its officers, subject to a fine not exceeding \$500. for each offense or suspension of license.

#### **Section 1322.80 Exclusion**

Whenever a person is excluded from a pari-mutuel track by the track, the Board and the United States Trotting Association shall be notified.

#### **Section 1322.90 Track Officers**

An expelled, suspended, disqualified or excluded person cannot act as an officer of a track. A track shall not, after notice from the Board, employ or retain in its employ an expelled, suspended, disqualified or excluded person. Any track found violating this rule shall be fined not to exceed \$500.

#### **Section 1322.100 Dishonored Check (Repealed)**

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10950; amended at 38 Ill. Reg. 21236, effective November 1, 2014.

**PART 1323**  
**PROTESTS AND APPEALS**

**Section**

1323.10	Protests
1323.20	Testify Under Oath
1323.30	Race Under Protest
1323.40	Frivolous Claim
1323.60	Change in Penalties
1323.70	Distribution of Pools
1323.90	Purse Held
1323.100	Suspension of Judge

**Section 1323.10 Protests**

Protests may be made only by an owner, manager, trainer or driver of one of the contending horses, at any time before the winnings are paid over, and shall be reduced to writing and sworn to, and shall contain at least one specific charge which, if true, would prevent the horse from winning or competing in the race.

**Section 1323.20 Testify Under Oath**

The judges shall in every case of protest demand that the driver and the owner or owners, if present, shall immediately testify under oath. In case of their refusal to do so, the horse shall not be allowed to start or continue in the race, but shall be ruled out, with a forfeit of entrance money.

**Section 1323.30 Race Under Protest**

Unless the stewards find satisfactory evidence to warrant excluding the horse, they shall allow it to start or continue in the race under protest and the purse, if any is won by that horse, shall be held by order of the Stewards to allow the parties interested an opportunity to sustain the allegations of the protest.

**Section 1323.40 Frivolous Claim**

Any person found guilty of protesting a horse falsely and without cause or merely with intent to embarrass a race, shall be punished by a fine not to exceed \$100 or by suspension or expulsion.

**Section 1323.60 Change in Penalties**

The Board may vacate, modify or increase any penalty imposed by the judges. In the event an appellant fails to appear at the hearing on his appeal without good cause, he may be fined not to exceed \$100. or a suspension not to exceed 30 days to be effective at the first meeting at which he has horses entered for racing.

**Section 1323.70 Distribution of Pools**

Nothing herein contained shall affect the distribution of the pari-mutuel pools when such distribution is made upon the official placing at the conclusion of the heat or race.

**Section 1323.90 Purse Held**

In case of an appeal or protest, the purse money affected will be ordered held pending the decision of the appeal or protest.

**Section 1323.100 Suspension of Judge**

Any judge may be suspended for refusal to accept a protest or appeal or for refusing to act as witness for a person seeking to swear to a protest or appeal.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10952.

**PART 1324  
TIME AND RECORDS**

**Section**

1324.10	Time
1324.20	Error in Time
1324.30	Leading Horse Timed
1324.40	Dead Heat
1324.50	Misrepresentation of Time
1324.60	Time Performance
1324.70	Judges at Timing
1324.80	Time Schedule
1324.90	Race Against Record
1324.100	Accompaniment Permitted
1324.110	Number of Time Trials

**Section 1324.10 Time**

In every race or performance against time, the time shall be accurately taken by one timer and an approved electric timing device and placed in the record as minutes, seconds and fifths of seconds. Upon the decision of each race the time shall be publicly announced or posted. No unofficial timing shall be announced or admitted to the record and when the timers fail to act, no time shall be announced or recorded for that race.

**Section 1324.20 Error in Time**

In any case of alleged error in the record, announcement, or publication of the time made by a horse, the time so questioned shall not be changed to favor said horse or owner except upon the sworn statement of the judges and timers who officiated in the race.

**Section 1324.30 Leading Horse Timed**

The leading horse shall be timed and his time only announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless a horse is declared a winner by reason of the disqualification of a breaking horse on which he was lapped.

**Section 1324.40 Dead Heat**

In case of a dead heat, the time shall constitute a record for the horses making the dead heat and both shall be considered winners.

**Section 1324.50 Misrepresentation of Time**

Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record thereof in any public race or performance against time shall be fined, suspended or expelled, and the time declared not a record.

### **Section 1324.60 Time Performance**

A record can be made only in a public race or performance against time, the horse to trot or pace the distance published according to rule. The word must be given by a licensed starter or presiding judge. The time must be taken by an approved electric timing device and one timer. The record of the race shall be signed by the judges, timer and starter. A saliva and urine test shall be taken of all winning horses that start in a performance against time.

### **Section 1324.70 Judges at Timing**

There shall be three judges in the stand during such performance, who shall not act as official timers.

### **Section 1324.80 Time Schedule**

No performance against time shall be earlier than 10 a.m.

### **Section 1324.90 Race Against Record**

In performances against time, the horse must start to equal or beat a specified time, and a losing performance shall not constitute a record.

### **Section 1324.100 Accompaniment Permitted**

When a horse performs against time, it will be allowed accompaniment by any other horse in the performance, but not to precede or be harnessed with or in any way attached to him. If an auto, jeep, truck, or other vehicle is used, the occupant or occupants of the accompanying vehicle shall not blow the horn, shout, strike the vehicle, or make any other noise aimed at scaring the horse to a greater effort.

### **Section 1324.110 Number of Time Trials**

In performances against time, the horse must start to equal or beat a specified time, and a losing performance shall not constitute a record. Three trials and the fastest winning time made by him shall be his record.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10953.

**PART 1325**  
**SECURITY AND ADMISSIONS**

**Section**

1325.10	Stable Enclosures Fenced
1325.20	Report of Arrival and Departure of Horses
1325.30	Stable Area Security
1325.40	Policing of Premises
1325.50	Admission to Parts of Premises
1325.60	Identification Cards and Badges (Repealed)
1325.70	Admission Statements
1325.80	Admissions Tax
1325.90	Admissions Records
1325.100	Board Approval of Tickets and Credentials
1325.110	Credential and Ticket Specimens
1325.120	Tax Exempt Credentials
1325.130	Tax Exempt Credentials Report (Repealed)
1325.140	Track Responsible for Credentials
1325.150	Board Access to Records
1325.160	Turnstiles and Electronic Scanning Devices
1325.170	Admission to Track
1325.180	Revocation of Credentials
1325.190	Inspections and Searches (Repealed)
1325.200	Investigative Authority

**Section 1325.10 Stable Enclosures Fenced**

All stable enclosures must be properly fenced and all race track operators shall control entries and departures to said area. A watchman shall grant entry only to those persons properly identified. A record shall be kept of all visitors lacking proper credentials. They shall be admitted only after approval is given by the state steward or racing secretary.

**Section 1325.20 Report of Arrival and Departure of Horses**

- a) All horses arriving or leaving a race meeting must be registered with a gateman. Upon entering, a horse's health certificate must be turned in at the gate.
- b) The departure slip must be signed by the racing secretary before horses can be moved off the grounds. This slip must be collected by the gateman.

**Section 1325.30 Stable Area Security**

- a) Each race track operator shall furnish gatemen and night watchmen for all stable enclosures. The operator shall furnish to the state steward a complete tabulation showing name, duty, place stationed, and portions of enclosures supervised by such gatemen and night watchmen. In the event horses are

stabled outside the race track, that are eligible to race at a meeting of the race track operator, the same precautions apply.

- b) The race track operator shall also employ a sufficient number of guards to patrol the stable areas and make investigations.
- c) A guard shall be hired to stand watch at the State Detention Barn and to transport samples to the State Testing Laboratories.

#### **Section 1325.40 Policing of Premises**

The race track operator shall provide a sufficient number of guards and also watchmen to maintain order on all parts of the racing enclosure. No tipsters shall be allowed on any part of the licensed premises. No groom or stable attendant shall loiter in the betting ring or any place else with the evident intention of making tips for remunerations or for free. Anyone so found shall be brought to the stewards and his identification shall be taken up. Said offender will then be excluded from the premises. A written report shall be made by the stewards to said offender's employer; any employer continuing to harbor or employ any such person so reported will be suspended, at the discretion of the stewards.

#### **Section 1325.50 Admission to Parts of Premises**

- a) Only the following listed persons shall be entitled to enter the stable area of a race track operator: members, officers and employees of the Board who must show their identification cards; management and employees performing duties therein; racing officials; police officers; owners, trainers, grooms and others performing official duties in the stable area and who possess a valid license from the Board.
- b) Except that the race track operator may authorize the entry of other persons, subject to the following minimum conditions:
  - 1) that such authorized persons be required to sign a daily guest log, and record the time of entry and the time of departure;
  - 2) that such authorized persons be required to indicate the name of the person whom they are visiting.
- c) The race track operator shall adopt such rules and procedures as deemed necessary to protect the security of the stable area and to prevent the entry of unauthorized persons to that portion of the premises.
- d) Any person violating this rule shall be evicted from the licensed premises by the race track operator and thereafter denied admission as a patron or otherwise to any portion of the licensed premises.

## **Section 1325.70 Admission Statements**

Each race track operator must prepare daily an itemized, certified admission statement showing:

- a) A summary, separating clubhouse and grandstand, showing number of fully paid admissions, complimentary admissions, service charge tickets and tax free admission for officials, corporation officers, press, horsemen, employees, racing officials and/or other persons entering on tax exempt admissions; also, the total amount from fully paid tickets, from complimentary or service charge tickets, and all other amounts received on account of admissions or taxes and the totals therefrom of the amount due the federal government and the amount due the state on account of the 40 cents admission ticket tax.
- b) Such summary shall also include a report of the daily turnstile reconciliations with the actual count using number and location of turnstiles, with notations listing discrepancies, if any.

(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 now provides for a 15 cents admission tax instead of 40 cents)

## **Section 1325.80 Admissions Tax**

- a) The race track operator shall pay to the Board at such time or times as the Board shall prescribe, the sum of 15 cents for each person entering the grounds or enclosure of the race track operator upon a ticket of admission. If tickets are issued for more than one day, then the sum of 15 cents shall be paid for each person using the ticket each day that the ticket is used. No charge shall be made on tickets issued to and in the name of directors, officers, partners, agents or employees of the race track operator, or to owners, trainers and drivers and their employees, or to any person or persons entering the grounds for the transaction of business in connection with the race meeting. No charge shall be made on tax exempt tickets of admission issued by the Board.
- b) Pursuant to subsection (a), the State Director of Mutuels shall direct and supervise the conduct of the admissions department during each race meeting. The State Director shall be empowered to direct the race track operator to adopt, subject to the approval of the Board, procedures, methods and systems as may be deemed necessary to ensure strict compliance with the rules and regulations of the Board.
- c) Intertrack wagering location licensees shall pay to the Board, within 48 hours, any admission taxes due to local municipalities and counties.

- d) The Board shall remit monthly any admission taxes due to local municipalities and counties.

#### **Section 1325.90 Admissions Records**

- a) The race track operator shall keep accurate books and records showing total attendance, admissions, both paid and complimentary, the number of taxable and tax free admissions and the gross receipts from admissions for each racing day of a meeting. These books and records shall be open to the Board and its duly authorized representatives for examinations and checks to ascertain the amount of taxes due and whether or not such taxes have been paid.
- b) All such reports shall be delivered to the Board before 2 p.m. on the following day, when day programs are run, and before 6 p.m. on the following day, when night programs are run. The weekly reports previously mentioned shall be a complete consolidation of all daily reports.

#### **Section 1325.100 Board Approval of Tickets and Credentials**

- a) The secretary of the Board must approve all race track operators' proposed tickets and credentials before an order can be placed with a printer or supplier.
- b) All tax exempt tickets or credentials of admission for a race meeting shall be designed to include a serial or control number and code letter or number designating classification. These credentials and/or tickets are to be designed so that they cannot be used for admission more than once on any one racing day and applicable only to the current racing day.
- c) All tax exempt tickets and credentials shall carry in bold type: "Not transferable and will be revoked if transferred."
- d) The following shall be printed on all taxable admission tickets and credentials including complimentary, service charge and/or reduced rates of admission: "state tax 40 cents."

(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 now provides a 15 cents admission tax instead of 40 cents)

#### **Section 1325.110 Credential and Ticket Specimens**

- a) The operator shall require each printer or other supplier to file with the Board certified copies of all manifests, showing serial number and the various types of admission tickets and credentials, including tax exempt and taxable, furnished to the track immediately after they are ordered.

- b) Each operator must file a certified gate card, showing in complete detail specimen tickets and credentials, with the secretary of the Board at least 10 days before the opening of a race meeting. Said tickets and credentials must be approved by the Board secretary before they can be sold or distributed by the operator.

### **Section 1325.120 Tax Exempt Credentials**

- a) The racing secretary shall issue tax exempt credentials of admissions only to those persons showing a current license or receipt therefore, and such others as may be authorized by the secretary of the Board.
- b) Designated employees and officials of the race track operator may issue tax exempt credentials for employee admission, subject to requirements, restrictions and limitations as set forth in each respective classification as follows:
  - 1) Regular employee's tax exempt admission credentials shall be issued only to persons directly on the operator's payroll, and actively employed during the race meeting.
  - 2) Concessionaire tax exempt admission credentials shall be issued only to persons actually on concessionaire payroll and working during the race meeting. Concession tax exempt employee credentials shall be issued only with the use of a large round identification button, provided by the concessionaire, showing the employee's concession number and name. Said button shall to be attached to a garment and prominently worn.
- c) Designated employees and officials of the operator and in behalf of the operator, must file requisitions with the secretary of the Board in order to obtain authorization for the issuance of tax exempt tickets or credentials of admission to members of the working press, service employees, officials, and to persons having official business at the track during a race meeting. Said requisition prescribed by the secretary of the Board shall be submitted in duplicate under the signature of the head of the department along with duplicate listing of passes requested, and shall be subject to approval by the secretary of the Board.
- d) The following requirements, restrictions and limitations shall be observed in the issuance of tax exempt admission credentials in the classification as hereinafter set forth.
  - 1) Service employee's tax exempt admission credentials shall be issued only to persons actually engaged in providing service at a race meeting for a contractor, service company, public utility or others employed during a race meeting. Request for credentials must be made on purveyor's official stationery under duly authorized signature setting forth name of each such employee, duties and justification for each pass requested.

- 2) Business tax exempt admission credentials may only be issued to persons having official business at the track during racing hours and not classified as service employees. Requests for such credentials must be made on company or agency official stationery under the signature of ranking official, setting forth the name of each person for whom a pass is requested, along with duties and justifications.
- 3) Press tax exempt credentials may only be issued to members of the working press when requested on the publication's official stationery under the signature of the editor or manager. All requests shall be subject to limitations based on circulation.
- 5) Official tax exempt credentials may only be issued to corporate officials and directors of the track, racing officials and to such others which are supported with proper justifications.

#### **Section 1325.140 Track Responsible for Credentials**

- a) The operator and his duly appointed issuing agents and/or employees issuing tax exempt credentials in behalf of the Board shall be held accountable for all tax exempt tickets and credentials received, issued, voided and on hand until the final audit has been completed by representatives of the Board.
- b) All unissued and voided tax exempt tickets and credentials shall be retained until they are released by the Secretary of the Board. Upon release, they are to be destroyed by burning.

#### **Section 1325.150 Board Access to Records**

- a) Representatives of the Board shall have access to all payrolls and other supporting evidence to verify the eligibility of all holders of tax exempt tickets and/or credentials.
- b) The operator shall be subject to the payment of 40 cents state tax on all disallowed tax exempt tickets or credentials, issued, requisitioned or unaccounted for by the operator. Additional assessment for unaccounted and disallowed tax exempt tickets or credentials will be computed on the basis of 40 cents for each such ticket multiplied by the number of racing days granted to the operator or on a daily usage basis if certified to by a Certified Public Accountant.

(Editor's Note: The Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-25) now provides for a 15 cents admissions tax instead of 40 cents)

### **Section 1325.160 Turnstiles and Electronic Scanning Devices**

All gates for the admission of patrons shall have turnstiles equipped with meters or electronic scanning devices, and the turnstiles or electronic scanning devices must be numbered consecutively or have other means of individual identification. The race track operator shall test the equipment at the opening of each racing day. The test is to be made under the supervision and direction of the Board or such agents as the Board may appoint. A daily reconciliation is to show a beginning reading and final reading of each device, the total admitted, and also a classified breakdown of all types of admittance. The operator must employ methods, subject to the approval of the Board, to record serial numbers and code letters or numbers each day a tax exempt ticket or credential is used for admittance, in order to substantiate all tax exempt admissions.

### **Section 1325.170 Admission to Track**

- a) No person shall be admitted to any race track after the admission gates have been manned and until the sixth race is run, except by tax exempt ticket or credentials or the payment of 40 cents state tax.
- b) The operator must employ methods and procedures in coordination with the start of manning admission gates each day to conduct a thorough check of admission enclosure areas allowing only those persons to remain who produce tax exempt credentials of admission. All others shall be escorted to the gate and readmitted only through turnstiles on admissions subject to 40 cents state tax.

(Editor's Note: The Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-25) now provides for a 15 cents admissions tax instead of 40 cents)

### **Section 1325.180 Revocation of Credentials**

- a) It shall be the duty of each operator to revoke and take up all tax exempt tickets and/or credentials immediately of all employees who have been terminated or leave employment and all others whose admission credentials have been revoked by the track operator, and/or the Board. All such tickets and/or credentials shall be submitted to the Board's admissions revenue representative.
- b) Two copies of each revocation order, prescribed by the Board, duly signed by the head of the department authorizing revocation, shall be submitted to the Board's admission revenue representative. Said order to state the reasons for the revocation.

### **Section 1325.200 Investigative Authority**

The chief Investigator of the Illinois Racing Board and Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned to assist the

Chief Investigator, shall have the authority to conduct investigations concerning all matters within the jurisdiction of the Illinois Racing Board.

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991; amended at 31 Ill. Reg. 15009, effective November 1, 2007; amended at 32 Ill. Reg. 16498, effective October 1, 2008; amended at 35 Ill. Reg. 8504, effective May 23, 2011; amended at 37 Ill. Reg. 20406, effective December 16, 2013.

**PART 1402  
STEWARDS**

<b>Section</b>	
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**Section 1402.10 Definition**

Whenever the word "steward" or "stewards" is used, it means steward or stewards of the meeting or their duly appointed deputies.

**Section 1402.20 Number of**

- a) There shall be three stewards to supervise each race meeting, two of whom shall be appointed by the Illinois Racing Board and shall be designated as state stewards.
- b) No more than three persons, including the state stewards, shall be appointed or serve as stewards at any one time during a meeting.

- c) The Racing Board shall designate one of the two state stewards as the Chief Steward.

#### **Section 1402.30 State Steward**

- a) The Chief Steward is the presiding steward at all race tracks at which he serves under the jurisdiction of the Illinois Racing Board. All other stewards shall report to the state steward all action taken by them.
- b) One of the state stewards shall lock all pari-mutuel ticket issuing machines and sound the off bell when the horses leave the starting gate. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid excessive delay. The state stewards may delay compliance with this rule in unusual circumstances.

#### **Section 1402.40 Assistants to Stewards**

If or when one or more persons are appointed to assist the three stewards at a meeting, such persons so appointed shall be designated as "assistants to the stewards" and they shall perform such duties as the stewards may prescribe.

#### **Section 1402.50 Powers of Stewards**

The stewards shall have control over all the other officials of the meeting and of all horse owners, trainers, jockeys, grooms and all other persons.

#### **Section 1402.60 Settle Racing Questions**

All questions pertaining directly to racing arising during the period of a meeting shall be determined by the stewards.

#### **Section 1402.70 Penalties Imposed by Stewards**

The stewards shall have the power to suspend an occupation license or to impose a civil penalty not to exceed \$5,000 or both, for a violation of the rules. If, in the opinion of the Stewards, a license should be revoked, they shall so recommend to the Boards.

#### **Section 1402.80 Supervise Declarations and Entries**

The stewards shall have supervision over all entries and declarations.

### **Section 1402.90 Accept Decision of Stewards**

Participants in racing in any capacity on licensed Illinois tracks agree in so doing to accept the decision of the stewards on any questions relating to a race or to racing.

### **Section 1402.100 Control Of and Access To Grounds**

The stewards shall have control over and free access to all stands, weighing rooms, enclosures, and other places in use for the purpose of racing.

### **Section 1402.110 Exclusion**

The stewards shall exclude from all places under their control, persons who are warned or ruled off. They may also exclude any person declared guilty of any corrupt or fraudulent turf practices by turf authorities of any country, or stewards of any recognized meeting, and the names of all persons penalized shall be promptly reported to the Board.

### **Section 1402.120 Persons Under Suspension**

No one under suspension by the Board or stewards shall be allowed on the grounds of any operator unless authorized to be there by the Board or the stewards.

### **Section 1402.130 Steward's Deputy**

Each steward may appoint a deputy to act for him at any time. If only one steward is present, he shall, if necessary, appoint one or more persons to act with him. If none of the stewards is present, the racing secretary shall designate at least two persons to act during the absence of the stewards, reporting such absence to the Board.

### **Section 1402.140 May Fill Vacancies**

- a) When vacancies occur among the officials, other than the stewards, and the operator has not notified the stewards prior to the time fixed for the first race of the day that it has been filled, the stewards shall fill such vacancy immediately.
- b) Should the vacancy occur after the racing for the day has started, the stewards shall fill the vacancy at once, the appointment standing for the day only, unless the operator shall fail to fill the vacancy on the following day, and notify the stewards of their action one hour before the time fixed for the first race.

### **Section 1402.150 Starting Time**

During each racing day, the stewards shall assemble at the official building on the grounds of the operator where the race meeting is being held not later than three hours prior to post time for the first race to exercise the authority and perform the duties imposed on them by the Rules and Regulations.

### **Section 1402.160 Seek Proof of Qualification**

The stewards have power to call for proof that a horse is neither disqualified in any respect nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of such proof being given to their satisfaction, they may declare the horse disqualified.

### **Section 1402.165 Stewards List**

The stewards shall maintain a list of such disqualified horses and other horses that, in the opinion of the stewards, are not competitive at that meeting or are dangerous to themselves, riders, or other horses. Horses on said list may not enter until permission to do so is given by the stewards. A workout of a specified distance may be required by the stewards in order to remove a horse from said list. No horse may be placed on said list unless prior thereto the stewards state, in writing, the reasons for placement of the horse thereon.

### **Section 1402.170 Examination of Horse**

The stewards shall have power at any time to order an examination, by such person or persons as they think fit, of any horse entered for a race, or which has run in a race.

### **Section 1402.180 Minute Book**

Action by the stewards in performing their duties shall be reported to the Board. Where one steward disagrees with the majority, that fact shall be noted in the report and the dissenting steward shall have the right to file with the Board a written report setting forth the reason or reasons for the disagreement. The stewards shall keep a minute book, recording therein all complaints made to them and the disposition thereof and all investigations by the stewards and their findings thereon and all rulings made by the stewards.

### **Section 1402.190 Reports**

The stewards shall, as soon as possible and not later than seven days after the end of each meeting, make a report in writing, to the Board of all infractions of the Rules and Regulations, and or rulings of the stewards upon matters coming before them during the meeting. All rulings and orders of the stewards may in the discretion of the Board be reviewed by it and such rulings or orders reversed or modified in any way the Board may deem proper.

### **Section 1402.200 Paddock Judge**

One of the stewards or one of their appointed representatives shall be in the paddock 20 minutes before each race and until the horses go to the post.

### **Section 1402.210 Disqualification**

It shall be left to the discretion of the stewards to rule on the disqualification of a horse or horses in a race, and the placing of such horse or horses as a result of the disqualification.

#### **Section 1402.220 Substitute Riders, Trainers**

In their discretion, the stewards shall have the right to put upon a horse a rider selected by them and to place the horse in charge of a trainer they may select. Any owner or trainer who refuses to permit a rider or trainer to be changed as herein provided, shall be suspended pending further action by the Board.

#### **Section 1402.230 Consult Veterinarian**

The stewards shall consult with official veterinarians in each case where there is a question of a horse's condition.

#### **Section 1402.245 Stewards' Notice**

The stewards may take notice of any questionable conduct with or without complaint thereof.

#### **Section 1402.250 Final Report**

At the close of each meeting, each steward shall make a written report to the Executive Director of the Illinois Racing Board of the condition of the meeting and any recommendation he deems advisable.

#### **Section 1402.260 Cases and Penalties**

Should any case occur which may or may not be covered by these Rules and Regulations, it shall be determined by the stewards of the meeting in conformity with justice and the usage of the turf; and when no penalty is provided, the stewards of the meeting are here given authority to impose such penalties pursuant to Section 1402.70 hereof as they think just, recommending to the Board the imposition of more severe penalties if, in their judgment, the penalty should be more drastic.

#### **Section 1402.270 Stewards Supersede Other Officials**

The laws of Illinois, and the Rules and Regulations of the Illinois Racing Board, supersede the conditions of a race or the regulations of a race meeting when there is a conflict, and in matters pertaining to racing, the orders of the stewards supersede the orders of the officials of the operators.

#### **Section 1402.280 Authority to Declare a Race Void**

The stewards shall have the authority to declare a race void and to order all wagers made thereon refunded if they determine that any occurrence before or during the running of such race calls for such action by them.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended June 12, 1973; filed March 22, 1974; amended June 19, 1976, filed June 25, 1976; codified at 5 Ill. Reg. 10959; amended at 5 Ill. Reg. 13722, effective December 2, 1981; amended at 17 Ill. Reg. 19309, effective October 25, 1993.

**PART 1403**  
**OFFICIALS OF MEETING**

**Section**

1403.10	Designation of Officials
1403.20	Wagering Prohibited
1403.30	Patrol Judges
1403.40	Leaving Employment
1403.60	State Veterinarians Report Examinations (Repealed)
1403.63	Veterinarians' List (Repealed)
1403.66	Reports at Close of Meeting (Repealed)
1403.70	Paddock Judge
1403.74	Inspection of Bandages (Repealed)
1403.77	Ice Bandages (Repealed)
1403.80	Jockey Room Custodian

**Section 1403.10 Designation of Officials**

In addition to the stewards, officials of a race meeting shall include the following: three placing judges, patrol judges (at least three at tracks of one mile or over), clerk of the scales, jockey room custodian, racing secretary, timer, paddock judge, and veterinarians (two of whom shall be appointed by the Board and designated as the state veterinarians).

**Section 1403.20 Wagering Prohibited**

No official may wager money or any other thing of value on the result of a race.

**Section 1403.30 Patrol Judges**

Each operator shall appoint, subject to the approval of the Board, at least three patrol judges whose stations shall be designated by the stewards. The operator shall provide telephone communications between each station of the patrol judges and the stewards.

**Section 1403.40 Leaving Employment**

Any official who desires to leave his employment while a race meeting is in progress must first obtain permission from the Board to leave such employment.

**Section 1403.70 Paddock Judge**

The paddock judge shall be in charge of the paddock and inspect all race horses and their equipment prior to each race, and shall observe and report forthwith to any steward any violation observed in such inspection.

### **Section 1403.80 Jockey Room Custodian**

The jockey room custodian shall have charge of the jockeys' quarters. Moreover, he shall take custody of the clothing and personal effects of the jockeys and provide for their safekeeping. He shall uphold the rules of the Board and be particularly vigilant concerning rule 149 (11 Ill. Adm. Code Section 1411.190)

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended November 17, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10962; amended, effective October 1, 1996; amended at 28 Ill. Reg. 6029, effective August 1, 2004; amended at 31 Ill. Reg. 16528, effective December 1, 2007.

**PART 1404**  
**RACING SECRETARY**

**Section**

1404.10	Racing Secretary
1404.20	Maintain Records
1404.30	Duties of Racing Secretary
1404.40	Receive Money

**Section 1404.10 Racing Secretary**

- a) A person appointed by the race track operator shall be the racing secretary, following approval by the Board. He also shall be clerk of the course and, unless it is otherwise specified, he shall act as handicapper.
- b) He shall keep a complete record of all races and shall prepare the program for each racing day.
- c) He shall receive all stakes, entrance money, jockey's fees, purchase money in claiming races and other moneys that can properly come into his possession.
- d) The racing secretary shall record all necessary information each day of winning horses on an official record and file same with The Jockey Club Registration Certificate of each horse.
- e) The racing secretary's office shall keep up-to-date performance files on all horses registered to race with the race track operator. Such past performance file shall be furnished intact and up-to-date to the Racing Secretary of the succeeding race meeting of each season in Northern Illinois or Southern Illinois as the case may be.

**Section 1404.20 Maintain Records**

The racing secretary shall maintain all ownership records in accordance with the Rules and Regulations and directions of the Illinois Racing Board.

**Section 1404.30 Duties of Racing Secretary**

He shall discharge all duties, expressed or implied, required by the Rules and Regulations, and he shall report to the state steward all violations of the Rules and Regulations.

**Section 1404.40 Receive Money**

He shall keep complete records of all moneys received by him and within five days after the close of the meeting render a true copy thereof to the operator.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended May 9, 1975, filed May 15, 1975; codified at 5 Ill. Reg. 10964.

**PART 1405**  
**CLERK OF THE SCALES**

**Section**

1405.10	Clerk of the Scales
1405.20	Weighing In and Out
1405.30	Overweight Limit
1405.40	Declare Overweight
1405.50	Permission to Dismount
1405.60	Weighing In Regulations
1405.70	Excess Weight After Race
1405.80	Weighing of Equipment
1405.90	Saddle Cloth Numbers
1405.110	Change of Jockey
1405.120	Extra or Special Weight
1405.130	Statement of Weight Carried

**Section 1405.10 Clerk of the Scales**

The clerk of the scales or assistant shall weigh out and weigh in the riders of all horses participating in a race.

**Section 1405.20 Weighing In and Out**

All riders must be weighed out (the horse in each instance being specified) not less than 30 minutes before the time fixed for the race, and the number of the horse shall be exhibited officially as soon as possible, and riders of horses finishing in the money must be weighed in at the judges' stand at the conclusion of a race.

**Section 1405.30 Overweight Limit**

No horse shall carry more than five pounds overweight, except in races confined exclusively to amateurs or to riders who are officers in the United States Army or Navy or of the Illinois National Guard.

**Section 1405.40 Declare Overweight**

If the overweight is more than two pounds in excess of the weight the horse is to carry (the owner or trainer consenting) the jockey shall declare the amount of overweight to the clerk of the scales at least 45 minutes before the time appointed for the race, and the clerk shall have the overweight announced over the public address system and posted immediately on the notice board. Failure on the part of any jockey to comply with this rule shall be reported to the stewards.

### **Section 1405.50 Permission to Dismount**

Every jockey must, immediately, after pulling up, ride his horse to the place of weighing, dismount only after obtaining permission from the official in charge and present himself to be weighed in by the clerk of the scales; provided that if a jockey be prevented from riding to the place of weighing by reason of accident or illness by which he or his horse is disabled, he may walk or be carried to the scales.

### **Section 1405.60 Weighing In Regulations**

If a jockey does not present himself to be weighed in; or if he is more than two pounds short of his weight or if he is guilty of any fraudulent practice with respect to weight or weighing; or if, unless he or his horse is ill or disabled, he dismounts before reaching the scales or dismounts without permission; or if he touch, except accidentally, before weighing in, any person or thing other than his own equipment, the clerk of the scales shall so report to the stewards and the horse may be disqualified and the jockey himself may be fined or suspended.

### **Section 1405.70 Excess Weight After Race**

If a horse carries more than two pounds over his proper or declared weight, the fact shall be reported by the clerk of the scales to the stewards, and the jockey shall be fined or suspended unless the stewards are satisfied that such excess weight has been caused by rain or mud, and the case shall be reported to the Board for such action as it may deem proper to take.

### **Section 1405.80 Weighing of Equipment**

Included in the jockey's weight shall be saddle and its attachments. No whip, number cloth, blinkers, bridle, martingale, hood or breastplate shall be weighed.

### **Section 1405.90 Saddle Cloth Numbers**

Jockeys must carry numbers on the saddle cloth corresponding to the numbers of the horses as exhibited after weighing out.

### **Section 1405.110 Change of Jockey**

Any subsequent change of jockey must be noted by the clerk of the scales and sanctioned by the stewards who, if no satisfactory reason is given for the change, may fine or suspend any person they may think culpable in the matter.

### **Section 1405.120 Extra or Special Weight**

Any extra or special weight declared for any horse, or any alteration of colors or change in equipment or declaration to win shall be exhibited by the clerk of the scales upon the notice board, and announced over the public address system.

**Section 1405.130 Statement of Weight Carried**

At the close of each day's racing, the clerk of the scales shall prepare for the racing secretary a statement of the weight carried in every race and the names of jockeys, specifying overweight, if any.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10966; amended at 18 Ill. Reg. 11610, effective July 7, 1994.

**PART 1406  
JUDGES**

**Section**

1406.10	Procedures of Judges
1406.20	Determine Finish
1406.30	Photo Finishes
1406.40	Official Time

**Section 1406.10 Procedures of Judges**

The judges must occupy the judges' stand at the time the horses pass the winning post, and place the horses. They must announce their decisions promptly, and such decisions shall be final, unless objection to the winner, or any horse placed within the purse is made and sustained, but this rule shall not prevent the judges from correcting any mistake, such correction being subject to confirmation by the stewards.

**Section 1406.20 Determine Finish**

- a) The judges shall determine the order of finish of as many horses as they may think proper. When the judges differ, the majority shall govern.
- b) The placing of horses shall be determined as exclusively indicated by their noses.

**Section 1406.30 Photo Finishes**

- a) Where photographs by cameras approved by the Board are taken of finishes, placing judges shall, before making decision, order and inspect photographs of all finishes where the winning margin is less than half a length, and in other cases, where the horses are widely spaced across the track. Copies of such photographs shall be posted in convenient places for the inspection of the public.
- b) The stewards shall review all such decisions of the placing judges and confirm or correct such decisions before a race is declared official.

**Section 1406.40 Official Time**

The official time of each race shall be determined by the official timer.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended April 11, 1974, filed and effective April 30, 1974; codified at 5 Ill. Reg. 10967.

**PART 1407**  
**LICENSES AND APPLICATIONS; ASSOCIATION LICENSES**

**Section**

1407.10	Application for Association License
1407.13	Application Deadline
1407.16	Formal Acceptance
1407.18	Application Withdrawal
1407.20	Enforce Rules and Regulations
1407.24	Notice of Changes
1407.40	Minimum Purse Required for License
1407.50	Amount of Purse
1407.52	Admissions (Repealed)
1407.53	Inspection Report
1407.54	Licensed Concessionaire
1407.56	Lottery Events at Race Tracks (Repealed)
1407.58	Off-Track Betting Agencies of Other States
1407.59	Reporting of Horsemen's Purse Account

**Section 1407.10 Application for Association License**

On printed application forms or blanks prepared by the Board, each operator applying for license and racing dates shall include all information, data and estimates as may be required by such forms. Eight executed copies of application for license and dates, together with eight certified sets of exhibits shall be filed with the Illinois Racing Board.

**Section 1407.13 Application Deadline**

All applications for licenses to conduct race meetings for each calendar year shall be filed with the Board prior to November 1 of any year. The Board may receive applications at a subsequent date if unusual need can be proven to the Board's satisfaction.

(Editor's Note: Section 20 of the Illinois Horse Racing Act of 1975 now requires applications for horse race meetings to be filed prior to September 1, instead of November 1.)

**Section 1407.16 Formal Acceptance**

When the Board approves an application and notifies said applicant of its approval, that applicant shall within 10 days after the mailing of the Board's notice of approval, file an acceptance with the Board, pay the additional amount equal to 10 per cent of the full amount of license fees as provided in Section 37-20(j) of the Illinois Horse Racing Act of 1975, and at least 20 days prior to the first day of each racing meeting, file with the Board the bonds as required by Section 37-20(j) of the Illinois Horse Racing Act of 1975.

### **Section 1407.18 Application Withdrawal**

Failure to comply with the 10 day time limit shall cause the application for license to be considered withdrawn and of no effect.

### **Section 1407.20 Enforce Rules and Regulations**

Imposed on each operator is the duty of enforcing the Rules and Regulations of the Board, said Rules and Regulations being a condition under which the licenses are granted, the Board reserving the right to amend or strike down any rule, regulation or condition herein imposed, or to supplement said Rules and Regulations by giving the operator three days' notice, except where shorter notice is herein otherwise provided.

### **Section 1407.24 Notice of Changes**

Racing dates and the license to conduct a horse race meeting are deemed personal in nature and non-transferable, and will terminate upon a substantial change of ownership of the operator, unless the Board has granted prior approval. The sale or transfer of 25 per cent or more of the equity of an operator shall be considered a substantial change of ownership.

### **Section 1407.40 Minimum Purse Required for License**

No license to conduct a race meeting shall be issued to any applicant who shall award in purses less than an average per day as provided by law during the proposed race meeting.

### **Section 1407.50 Amount of Purse**

The operator shall inform the Board of the amount of purses or prizes to be given for its races and the Board shall first approve such schedule thereof, provided however, that the Board shall not compel any operator to give as purses, stakes and rewards, an amount exceeding the aggregate for any one racing day, the sum as provided by statute.

### **Section 1407.53 Inspection Report**

At least 30 days prior to the beginning of any racing meeting, the race track operator shall submit to the Board copies of inspection reports issued by appropriate state or local governmental authorities relating to the condition of the buildings, the health and sanitation of the facilities, and the fire prevention, detection, and suppression equipment at the race track at which the racing meeting is to be conducted. Said inspections shall be made no earlier than 45 days prior to the beginning of a racing meeting.

### **Section 1407.54 Licensed Concessionaire**

No license shall be issued to conduct a racing meeting unless, prior to the commencement of such meeting, the applicant for such license has obtained the services of a concessionaire

licensed by the Board to provide adequate food and drink services for race track patrons or is providing such services itself.

#### **Section 1407.58 Off-Track Betting Agencies of Other States**

- a) No race track operator shall, without the prior approval of the Board, enter into or implement an agreement with any legally constituted off-track betting agency of any other state providing for pari-mutuel wagering to be conducted in such state on races held at licensed meetings in Illinois.
- b) Any race track operator seeking Board approval of an agreement with any legally constituted off-track betting agency of any other state shall submit a copy of the proposed agreement together with such request and shall supply such other information relative to the proposal as the Board may require.

#### **Section 1407.59 Reporting of Horsemen's Purse Account**

Each organization licensee shall weekly submit to the Board Secretary a report reflecting the current status of the "Horsemen's Purse Account." Said report shall be submitted on forms provided by the Board.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended January 11, 1974, filed January 21, 1974; amended October 25, 1974, filed November 7, 1974; amended May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10968; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 28 Ill. Reg. 6601, effective April 19, 2004; amended at 34 Ill. Reg. 7746, effective May 24, 2010.

**PART 1408**  
**LICENSING OF PARTICIPANTS**

**Section**

1408.54	Responsibility of Employer on Discharge of Employee
1408.60	Possession of Credentials
1408.90	Revocation of License
1408.100	Unauthorized Use of Credentials
1408.150	Rules of Employment and Payment of Fines
1408.190	Probationary Permit

**Section 1408.54 Responsibility of Employer on Discharge of Employee**

When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the state steward of such discharge or resignation of such employee. The failure to so notify the state steward shall subject the owner or trainer to a fine or suspension, or both.

**Section 1408.60 Possession of Credentials**

All licensees shall carry on their person at all times within the stable area of a racetrack their Board photo identification badge. Every person so identified is subject to examination by the Board or its agents or employees, and by officials of the race track operator, or its designated agents or employees, at any time they may deem necessary or proper. The Board may require visible display of a license in a restricted area. A license may only be used by the person to whom it is issued.

**Section 1408.90 Revocation of License**

The Illinois Racing Board shall have the power to rule off or suspend any licensee or revoke the license of any licensee for any of the reasons as set forth in the Rules and Regulations, including the provisions of Section 1303.70 (11 Ill. Adm. Code 1303.70 "Financial Responsibility".

**Section 1408.100 Unauthorized Use of Credentials**

No licensee shall permit any unauthorized person or persons to use his badge or credentials for entering into any part of the race track. Any licensee who violates this rule is liable to suspension or a fine of not exceeding \$200. or both and if he continues to violate the rule, he may be ruled off or otherwise less severely punished, as the Board may decide.

**Section 1408.150 Rules of Employment and Payment of Fines**

Any person who shall employ anyone in contravention of these rules may be fined or suspended; and any person who pays a fine imposed upon another shall be punished.

### **Section 1408.190 Probationary Permit**

Probationary permits may be issued by the Board to jockeys, apprentices and exercise boys who have been disciplined. During the period of the aforementioned probationary permit, it may be revoked by the Board upon the recommendation of the Board of Stewards. After one year, said probationer, shall be eligible for a regular license in his proper classification.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10970; amended at 7 Ill. Reg. 1427, effective January 24, 1983; amended at 11 Ill. Reg. 20209, effective December 1, 1987; amended at 15 Ill. Reg. 5745, effective April 4, 1991; amended at 33 Ill. Reg. 6708, effective May 1, 2009.

**PART 1409**  
**OWNERSHIP, PARTNERSHIP, AND STABLE NAME**

**Section**

1409.5	Racing Colors
1409.10	Application for Colors (Repealed)
1409.20	Deviations
1409.30	Register Name of Real Owner
1409.40	Owner-Trainer Registrations
1409.50	Change in Ownership
1409.60	False Registration
1409.70	List of Changes
1409.80	Stable Names
1409.90	Registration of Stable Names
1409.100	Trainers' Use of Stable Names
1409.110	Affidavit of Ownership
1409.120	Partnerships
1409.130	Corporations
1409.135	File Reports With Board
1409.138	Board May Waive Requirements
1409.140	Change in Officers
1409.150	Entries, Declarations and Winnings
1409.160	Signature by Racing Secretary
1409.170	Consent of Partners
1409.180	Name All Owners
1409.185	Corporation With Stable Name

**Section 1409.5 Racing Colors**

Owners or trainers shall provide racing colors, which may be subject to the approval of the Board, except at racetracks where colors are furnished by the organization licensee. Racing colors shall be registered with the Racing Secretary. The Stewards may authorize a temporary substitution of racing colors when necessary. The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race.

**Section 1409.20 Deviations**

Any deviation from the recorded colors of the owner or lessee must be approved by the stewards, and posted by the clerk of the scales on the notice board.

**Section 1409.30 Register Name of Real Owner and Lessee**

All horses shall be registered in the name of the real owner or owners and lessee or lessees with the racing secretary of the race track operator at which it is intended to race such horses.

Before making registration, trainers shall learn the facts of ownership or leasehold interest of all horses registered by said trainer.

#### **Section 1409.40 Owner-Trainer Registrations**

If the registration is made by the trainer, the owner, trainer and lessee shall be bound by such registration.

#### **Section 1409.50 Change in Ownership**

Any change in ownership of a horse or horses or leasehold or interest therein shall be immediately made in Registration Book and additional affidavit filed if necessary.

#### **Section 1409.60 False Registration**

In the event of any false registration or false affidavit, the guilty parties shall be fined, suspended or ruled off, and the horse or horses involved suspended or ruled off.

#### **Section 1409.70 List of Changes**

The Registration Clerk shall furnish the stewards and the Board each day, a complete list of any changes in ownership, leasehold interest, or trainer of any horse or horses.

#### **Section 1409.80 Stable Names**

- a) A person wishing to race under a stable name may do so by registering and by paying the fee of \$50, the said registration being effective only during the calendar year.
- b) A person cannot register more than one stable name at the same time, nor can he use his real name so long as he has a registered one.
- c) A stable name may be changed at any time by registering a new stable name and paying the fee of \$50.
- d) A person cannot register as his stable name one which has already been registered by any other person or one which is the real name of any owner or lessee of race horses.
- e) Any person who has registered under a stable name may at any time abandon it after he has given written notice and the fact of the abandonment has been duly advertised.

- f) The stable name must be carried on the official program with the name of at least one owner or lessee. If stable name consists of more than one owner or lessee, the program will list the name of the owner or lessee along with the phrase "et al."

#### **Section 1409.90 Registration of Stable Names**

All registration of stable names by The Jockey Club (New York), the National Steeplechase and Hunt Association, and the incorporated Canadian Racing Associations, shall be respected in Illinois, provided however, that the Board may at any time demand any one engaged in racing on the Illinois tracks to disclose his or her real name, the Illinois Racing Board being an agency for the registration of stable names.

#### **Section 1409.100 Trainers' Use of Stable Names**

No trainer of race horses may register under a stable name as trainer, but may be owner or part owner of horses registered under such stable name.

#### **Section 1409.110 Affidavit of Ownership**

Where an application is filed for a stable name or farm name, or nom de course which must have been properly registered, such application shall be accompanied by proper affidavit of ownership or leasehold interest as provided for under Sections 120, 180, and 185 of this Part.

#### **Section 1409.120 Partnerships**

All partnerships must be registered and the name and address of every person having any interest in a horse, the relative proportions of such interests and the terms of any sale with contingencies, lease or other arrangement must be signed by all the parties or by their authorized agents and be lodged with the racing secretary, a copy of which shall be transmitted after the race meeting to the office of the Illinois Racing Board. All the partners and each of them shall be jointly and severally liable for all stakes and forfeits. All partners of a general partnership shall be licensed as owners. In the case of a limited partnership, all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. These licensure requirements shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure. Any non-licensed partner shall submit application materials sufficient for the Board to verify his status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints and other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for licensure then each of the partners and the partnership shall be ineligible for licensure.

### **Section 1409.130 Corporations**

All corporations having an interest in a horse shall at the time of filing application for an owner's license statement file a in duplicate setting forth the names and addresses of all officers, directors, and stockholders of said corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not said stock is paid in full, and including the designation of an authorized agent or agents of said corporation. The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached. A copy of said statement shall be transmitted promptly to the office of the Illinois Racing Board by the state stewards. All officers, directors and shareholders owning 5% or more of any class of stock of a corporation shall be licensed as owners. These licensure requirements shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure. Any non-licensed shareholder shall submit application materials sufficient for the Board to verify his status whenever the stewards have determined that it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other materials required for an applicant for an owner's license. If any non-licensed shareholder is ineligible for licensure then each of the shareholders and the corporation shall be ineligible for licensure.

### **Section 1409.135 File Reports With Board**

Any corporation and all stockholders or members thereof which leases horses for racing purposes in the State of Illinois and shall file with the Board with the Board upon request a report or reports containing such information as the Board may specify upon refusal or failure to file such report or reports the Board may refuse a license to any lessee or lessees of such corporation and or may revoke any such license which it may have granted.

### **Section 1409.138 Board May Waive Requirements**

Any of the above requirements maybe waived by the Board.

### **Section 1409.140 Change in Officers**

Any transfer of stock of such corporation or change in the officers or directors thereof shall be reported in writing to the state stewards at the track where the corporation is racing horses within 48 hours of such change. The state stewards shall immediately transmit such information to the Illinois Racing Board.

### **Section 1409.150 Entries, Declarations and Winnings**

All statements of sales and contingencies or arrangements, by partnerships, corporations, lessors or lessees shall declare to whom winnings are payable, in whose name the horse shall run and with whom rests the power of entry or declaration of forfeit. A copy of this information shall be transmitted to the Illinois Racing Board.

### **Section 1409.160 Signature by Racing Secretary**

In cases of emergency, the authority to sign a declaration of partnership may be given to the racing secretary by a telegram promptly confirmed in writing.

### **Section 1409.170 Consent of Partners**

The part owner of any horse cannot assign his share, or any part of it, without the written consent of the other partners. Said consent is to be filed with the racing secretary.

### **Section 1409.180 Name All Owners**

If a stable name or nom de course is used, even though printed in the program with the personal name of the owner or owners, lessors or lessees or if a horse is actually owned or leased in whole or in part by any person other than the registered owner, or any lien or contingent interest in said horse is held by any other person or if the registered owner or owners, of any horse has or have borrowed money for the purchase or lease of said horse in whole or in part, or for the upkeep or maintenance thereof, an affidavit shall be filed at the time of such registration in duplicate. One copy shall be retained by the racing secretary of the track operator, and one shall be filed with the Board, on a printed form to be furnished by the Board. A registration so made at one track need not be repeated at succeeding tracks in the same racing season unless required by change in ownership. The racing secretary of the track operator shall, at the termination of its meeting, immediately forward all affidavits on file with him to the racing secretary of the succeeding meeting in the area or state.

### **Section 1409.185 Corporation With Stable Name**

Nothing herein contained shall excuse a corporation which owns or leases a horse running under a stable name or nom de course from complying with the provisions Sections 1409.120 and 1409.130.

**SOURCE:** Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 13 Ill. Reg. 1841, effective January 27, 1989; amended at 17 Ill. Reg. 12429, effective July 16, 1993; amended at 35 Ill. Reg. 15088, effective September 1, 2011.

**PART 1410**  
**TRAINERS AND OWNERS**

**Section**

1410.10	Absence of Trainers
1410.20	Report Disabled Horses (Repealed)
1410.25	Deceased or Sick Horses (Repealed)
1410.40	State Veterinarians' List (Repealed)
1410.50	Obey Sanitary, Humane and Safety Laws (Repealed)
1410.55	Halters
1410.60	Report Deaths of Horses (Repealed)
1410.65	Fillies and Mares Bred
1410.70	Trainer Responsibility
1410.80	Employment of Veterinarians
1410.90	Harboring Unauthorized Persons
1410.95	Harboring of Drug Addicts
1410.100	Workout After Finish
1410.110	Addition to Owner-Trainer Rules
1410.115	Ownership of Horses

**Section 1410.10 Absence of Trainers**

In the absence of a trainer (more than six consecutive days from the stable), due to sickness or any other cause, he shall, with the approval of the stewards, appoint an alternate trainer licensed by the Board, to fulfill his duties. In this event, joint responsibility will rest with both parties, and the names of both parties shall appear in the racing program.

**Section 1410.55 Halters**

All horses shall be haltered while in the stall, provided however, that halters may be removed during the hours of 7 a.m. and 11 a.m. and 3 p.m. to 4:00 p.m.

**Section 1410.65 Fillies and Mares Bred**

Fillies and mares that have been bred shall be reported to the racing secretary as having been bred, prior to being entered in a race. The secretary shall post on the bulletin Board the names of all fillies or mares that have been bred and to what stallion or stallions.

**Section 1410.70 Trainer Responsibility**

A trainer shall at all times be responsible for the condition of his horse, and for the protection of his horse against fraudulent practices, including administration of prohibited drugs by any persons.

### **Section 1410.80 Employment of Veterinarians**

No owner or trainer shall employ any veterinarian who has not been duly licensed by the State of Illinois and the Illinois Racing Board as a veterinarian.

### **Section 1410.90 Harboring Unauthorized Persons**

Any trainer, owner, or stable foreman or others who harbor anyone not provided with credentials shall be immediately reported to the stewards of the meeting so they may make investigation thereof, take appropriate action and report the facts to the Illinois Racing Board.

### **Section 1410.95 Harboring of Drug Addicts**

No owner or trainer shall employ or harbor any known or suspected drug addict.

### **Section 1410.100 Workout After Finish**

Except with permission of the stewards, no owner or trainer shall instruct a jockey of any horse in a race to work said horse out a longer distance after passing the finish line.

### **Section 1410.110 Addition to Owner-Trainer Rules**

Regulations herein set forth pertaining to trainers and owners are in addition to those rules otherwise applying to them in relation to licenses, entries, employment, and other phases of their racing activities.

### **Section 1410.115 Ownership of Horses**

No licensed or authorized trainer shall have any ownership interest in a horse of which he is not the trainer at any race track at which said trainer is in charge of a stable.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 17, 1975, filed October 21, 1975; codified at 10975; amended at 6 Ill. Reg. 10014, effective August 3, 1982; amended at 13 Ill. Reg. 1846, effective January 25, 1989; amended 31 Ill. Reg. 16532, effective December 1, 2007.

**PART 1411**  
**JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS**

**Section**

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**Section 1411.5 Colors Worn by Riders**

A jockey must wear the colors of the owner or owners of the horse he is riding (except by special permission of the stewards, which permission shall be posted on the bulletin Board, together with notice of the colors the jockey shall wear), and the number of the horse is as exhibited after weighing out. When the horse is being warmed up, the same number must be exhibited upon the arm of its rider.

**Section 1411.20 Paying Fines**

All fines imposed on jockeys must be paid by the jockeys themselves.

### **Section 1411.30 Jockey Ownership of Horse**

No jockey shall be the owner of any race horse.

### **Section 1411.40 Under Suspension**

When a jockey is under suspension for any cause except fraud, he may be permitted to fulfill engagements for the following racing day only, except that when the 48 hour entry policy is in effect, a jockey may be permitted to fulfill engagements for the following two racing days only.

### **Section 1411.50 Betting By Jockey**

No jockey shall bet on any race except through the owner of and on the horse which he rides, and any jockey who shall be proved to the satisfaction of the stewards to have any interest in any race horse, or to have been engaged in any betting transaction, except as permitted by this rule, or to have received presents from persons other than the owner, shall have his license revoked.

### **Section 1411.60 Record of Jockey Betting**

All owners so betting for a jockey on any horse shall keep a record thereof, so that at no time will said owners be in a position of failing to remember any such transaction.

### **Section 1411.65 Interrogation by Stewards**

All owners, trainers, jockeys, employees, agents or other persons in any way connected with said operator may be, at any time, interrogated by the stewards in reference to the making or placing of any bets anywhere on any race run at said course.

### **Section 1411.70 Racing Against Employer's Starter**

A jockey shall not ride in any race against a starter of his contract employer unless his mount and his contract employer's starter are both in the hands of the same trainer.

### **Section 1411.75 Owner or Trainer As Spouse**

Jockeys married to owners or trainers may not ride against the spouse's horse, whether or not the spouse holds any ownership interest in said horse.

### **Section 1411.78 Racing Against Agent's Horse**

A jockey shall not ride in any race against a horse owned and/or trained by his agent.

### **Section 1411.80 Priority of Retainers**

Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

### **Section 1411.90 Conflicting Claims on Jockeys**

Conflicting claims for services of a jockey shall be decided by the stewards.

### **Section 1411.100 Riding Crops and Other Equipment**

#### a) Riding Crops

All riding crops are subject to inspection and approval by the Stewards and the Clerk of Scales.

- 1) Riding Crops shall have a shaft and a flap and will be allowed in flat racing, including training, only as follows:
  - A) Maximum weight of eight ounces;
  - B) Maximum length, including flap, of 30 inches;
  - C) Minimum diameter of the shaft of one-half inch; and
  - D) Smooth shaft contact area, with no protrusions or raised surface, covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.
- 2) The flap is the only allowable attachment to the shaft and must meet the following specifications:
  - A) Length beyond the end of the shaft - maximum of one inch;
  - B) Width – a minimum of 0.8 inch and a maximum of 1.6 inches;
  - C) No reinforcements or additions beyond the end of the shaft;
  - D) No binding within seven inches of the end of the shaft; and
  - E) Shock absorbing characteristics similar to those required by subsection (a)(1)(D).
- 3) Although the use of the riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

- 4) In all races in which a jockey will ride without a riding crop, an announcement of that fact shall be made over the public address system.
  - 5) Riding crops shall not be used on two year old horses before April 1 of each year.
  - 6) The riding crop shall only be used for safety, correction and encouragement.
  - 7) All riders shall comply with the following when using a riding crop:
    - A) Showing the horse the riding crop and giving it time to respond before striking the horse;
    - B) After using the riding crop, giving the horse a chance to respond before using it again; and
    - C) Using the riding crop in rhythm with the horse's stride.
  - 8) Prohibited use of the riding crop includes, but is not limited to, striking a horse:
    - A) On the head, flanks or any other part of its body other than the shoulders or hindquarters, except when necessary to control a horse;
    - B) During the post parade or after the finish of the race, except when necessary to control the horse;
    - C) Excessively or brutally causing welts or breaks in the skin;
    - D) When the horse is clearly out of the race or has obtained its maximum placing;
    - E) Persistently, even though the horse is showing no response under the riding crop; or
    - F) Striking another rider or horse.
  - 9) After the race, horses will be subject to inspection by a racing official or veterinarian looking for cuts, welts or bruises of the skin. Any adverse findings shall be reported to the Stewards.
- b) Other Equipment
- 1) No bridle shall exceed two pounds.
  - 2) A horse's tongue may be tied down with clean bandages, gauze or a tongue strap.

- 3) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the Starter.
  - 4) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the Stewards, shall be possessed by anyone, or applied by anyone, to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
- c) The giving of instructions by any licensee that, if obeyed, would lead to a violation of this Section may result in disciplinary action being taken against the licensee who gave the instructions, as well as the person who took, or failed to take action.

#### **Section 1411.120 Leaving Operating Track**

Any jockey leaving an operating race track to ride in another jurisdiction must first obtain permission from the Board of Stewards.

#### **Section 1411.130 Jockey Rules Apply to Apprentices**

All apprentice applicants shall be bound by all of the rules for jockeys, except insofar as said rules may be in conflict with the specific regulations for apprentices.

#### **Section 1411.140 Apprentice Rule**

- a) An applicant for an apprentice jockey license:
- 1) shall:
    - A) be at least 16 years old, or if under age, with the written consent of his/her parents or guardian;
    - B) not have been previously licensed as a jockey;
    - C) be found physically able to ride in competitive horse races by a licensed physician designated by the stewards; and
    - D) have served with a racing stable in some licensed capacity for at least one year; or
  - 2) shall have an apprentice certificate issued by another racing jurisdiction or a valid contract, found acceptable by the Board under the standards established in this subsection (a)(2). with a trainer or owner to serve as an apprentice jockey for at least three and no more than five years.

- A) All owners or trainers with an apprentice jockey under contract shall be subject to investigation as to character, ability, facilities, and financial responsibility; and shall, at the time of entering into the contract, be the legal owner or trainer of at least three horses eligible to race.
  - B) Contracts for apprentice jockeys shall require the apprentice to be at least 16 years old or, if under age, to have the written consent of his/her parents or legal guardian, and shall provide for fair remuneration, adequate medical attention and suitable board and lodging for the apprentice.
  - C) All apprentice contracts described in this Part shall be filed with the Board within 30 days after execution thereof or upon filing application for license, whichever occurs first.
  - D) Any amendments to the contract must be in writing, signed by each of the parties, with copies delivered to each of the parties and to the Board.
  - E) Any owner or trainer who fails to file such contract with and obtain approval of the Board may be subject to disciplinary action by the Board.
  - F) The Board, in its discretion, may issue an apprentice certificate indicating each winner ridden, in the event an apprentice contract is terminated.
  - G) The stewards, in their discretion, may permit an apprentice jockey who has been issued a certificate to contract with a licensed owner or trainer for the remainder of a terminated contract.
- b) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:
- 1) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.
  - 2) A seven pound allowance until the apprentice has ridden an additional 35 winners.
  - 3) If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his/her fifth winner, he/she shall have an allowance of five pounds until one year from the date of the fifth winning mount.
  - 4) If, after one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowances shall continue for one more year from the date of the fifth winning mount, or until the 40th winner, whichever comes first. In no event shall a weight allowance be claimed for more

than two years from the date of the fifth winning mount, unless an extension has been granted pursuant to subsection (e) of this Section.

- 5) A contracted apprentice may claim an allowance of three pounds for an additional one year when riding horses owned or trained by the original contract employer.
- c) The stewards may extend the weight allowance of an apprentice jockey when, in their discretion, an apprentice jockey is unable to continue riding due to:
- 1) Physical disablement or illness,
  - 2) Military service,
  - 3) Attendance in an institution of secondary or higher education,
  - 4) Restriction on racing, or
  - 5) Other valid reasons.
- d) An apprentice jockey may qualify for an extension if he/she has been unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.
- e) The stewards may grant an extension to an eligible apprentice only after the apprentice has produced, on the approved form, documentation verifying time lost was a result of a qualifying event as defined in subsection (c) of this Section.
- f) An apprentice may petition one of the racing jurisdictions in which he/she is licensed and riding for an extension of time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

#### **Section 1411.150 Change of Agent**

A jockey or apprentice must continue with his jockey agent until notifying the stewards of change of agent.

#### **Section 1411.160 Rough or Careless Riding**

At the discretion of the stewards, a jockey guilty of rough or careless riding, as described at 11 Ill. Adm. Code 1416.5, shall be subject to a suspension of not less than 3 days and/or a fine. The criteria for determining fines and/or suspensions shall include, but not be limited to, what action was taken by the violator to avoid the violation, whether the violator has been found guilty of a rough or careless riding violation in this or any other racing jurisdiction.

### **Section 1411.170 Yearly Examination**

All jockeys must pass a physical examination once a year, before the commencement of a meeting, by a doctor designated by the Board. The stewards may or may not allow any jockey to ride until he successfully passes such examination.

### **Section 1411.180 Examination Because of Illness**

Injured jockeys, or jockeys canceling engagements because of illness must undergo a physical examination before resuming race riding.

### **Section 1411.190 Jockey's Valet**

Any jockey's valet who shall make a bet for himself or place for another a bet upon a race shall be suspended and his case referred to the Board for appropriate action.

### **Section 1411.200 Record of Jockey Engagements by Agent**

Each jockey agent shall keep, on a form provided by the operator, a record by races of all engagements made by him of the riders he is representing. This record must be kept up to date and held ready at all times for inspection by the stewards. If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the stewards, and he shall also turn over to the stewards a list of any unfulfilled engagements he may have made for that rider. A jockey agent may not drop a rider without notifying the Board of Stewards in writing. All rival claims for the services of a rider will be adjudged by the stewards.

### **Section 1411.210 Falsifying Engagement Records**

Any agent who falsified his record may be, in the discretion of the stewards, suspended, and they may refer his case to the Board for further action and the Board may revoke the license of any agent who falsifies his record. Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the stewards that the rival claim arose through an honest and bona fide error shall be considered a falsification of records.

### **Section 1411.220 Agent Barred from Paddock and Track**

Except by special permission of the stewards, jockey agents shall not be permitted within the saddling enclosure during the period of racing hours; nor shall said agents be allowed on the race track proper or in the unsaddling enclosure or winners' circle at the conclusion of any race run.

### **Section 1411.230 Engagements Made Through Agent**

Within the period in which an agent represents a jockey or apprentice, such jockey or apprentice shall make riding engagements or commitments only through said agent, and engagements shall be fulfilled as made, unless excused by the stewards.

### **Section 1411.240 Safety Equipment**

- a) All jockeys and stable employees when exercising horses shall wear a safety helmet approved by the stewards. The criteria for approving helmets shall be based on the construction, durability, sturdiness and safety of the helmet. This rule shall be enforced by all trainers. No change shall be made in any helmet without the approval of the stewards.
- b) No jockey or apprentice jockey shall be permitted to ride in any race unless he or she wears a safety vest with a shock absorption protection rating of at least five (5), as certified by the British Equestrian Trade Association. A safety vest shall weigh no more than two pounds and shall not be included in a jockey's or apprentice jockey's weight when weighing out to race.

### **Section 1411.250 Designated Races**

- a) If a jockey is suspended ten days or less for a riding infraction not involving rough and/or extreme careless riding, said jockey may be permitted at the discretion of the stewards to fulfill engagements in designated stakes races so long as he or she is named on the said horse at the time of entry. The suspension will be extended one day for each date the jockey rides in such a race.
- b) For the purpose of this rule, the stewards shall determine and post a list of designated races at the beginning of each meeting. If the stewards do not post such a listing, all stakes races shall be designated.
- c) No jockey subject to a suspension is entitled to the privilege extended in subsection (a) above unless, at the time of the suspension, he notifies the stewards of his engagement in a stakes race, designated by the stewards in subsection (b) above.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amendment at 17 Ill. Reg. 12426, effective July 15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2092, effective January 21, 1994; amended at 19 Ill. Reg. 12687, effective September 1, 1995; amended at 21 Ill. Reg. 3226, effective March 4, 1997; amended at 22 Ill. Reg. 5076, effective March 1, 1998; amended at 34 Ill. Reg. 2816, effective February 12, 2010.

**PART 1412**  
**WEIGHTS, PENALTIES, AND ALLOWANCES; SCALE OF WEIGHTS FOR AGE**

**Section**

1412.10	Weight Allowances
1412.20	Extra Allowances
1412.30	When Readjustments Allowed
1412.40	Readjustments, When Claimed
1412.50	Penalties and Allowances Not Cumulative
1412.60	Handicaps

**Section 1412.10 Weight Allowances**

- a) With the exception of apprentices allowances, handicap races, three-year-old horses entered to run in races against horses four years old and upwards, and the allowance provided in subsection (b) of this Section, no jockey shall be assigned a weight of less than 118 pounds. For three-year-old horses entered to run in races against horses four years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than 116 pounds.
- b) Except in handicaps, fillies two years old shall be allowed 3 pounds and fillies and mares three years old and upward shall be allowed 5 pounds before September 1, and 3 pounds after September 1 in races in which they compete against horses of the opposite sex.
- c) A notice shall be included in the daily program that all jockeys will carry approximately 3 pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, jockeys may weigh in with an additional 3 pounds for inclement weather gear when approved by the Stewards.
- d) Quarter Horses minimum scale weights shall be 120 pounds for two year olds, 122 pounds for three year olds and 124 pounds for four year olds and older.

**Section 1412.20 Extra Allowances**

No horse shall carry extra weight, nor be barred from any race for having run second or in any lower place in a race; nor shall extra weight be incurred in respect to private sweepstakes and match races.

**Section 1412.30 When Readjustments Allowed**

A horse shall not receive allowance of weight or be relieved from extra weight for having been beaten in one or more races; provided that this rule shall not prohibit maiden allowances or

allowance to horses that have not won within a specified time or that have not won races of a specified value.

#### **Section 1412.40 Readjustments, When Claimed**

Allowances must be claimed at the time of entry and these allowances shall not be abandoned except by the consent of the stewards, who may, before scratch time, make readjustments to the proper weights and allowances in conformity with the conditions of the race. Sex allowances shall not be waived. The stewards may, in their discretion, impose penalties upon persons who negligently claim improper allowances.

#### **Section 1412.50 Penalties and Allowances Not Cumulative**

Penalties and allowances are not cumulative unless by the conditions of the race.

#### **Section 1412.60 Handicaps**

The handicapper shall append to the weights for every handicap, the day and hour from which winners will be liable to a penalty, and no alteration shall be made after publication except in case of omission through error of the name or weight of a horse duly entered, in which case, by permission of the stewards the omission may be rectified by the handicapper.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10980; amended at 36 Ill. Reg. 13675, effective August 20, 2012.

**PART 1413**  
**ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS**

<b>Section</b>	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72- Hour Entries
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1413.60	Supervision of Entries
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1413.300	Jockey Club Certificates
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1413.310	Number of Races in a Day

### **Section 1413.10 Registration with Jockey Club**

No horse shall be entered or permitted to start unless duly registered and named through The Registry Office of The Jockey Club (New York).

### **Section 1413.20 Registration Rules**

The rules of The Jockey Club (New York) with respect to the registration of horses shall apply in Illinois.

### **Section 1413.30 Eligibility**

A horse must be eligible to run at time of entry.

### **Section 1413.40 How Entries are Made**

All entries shall be made on forms prescribed by the Board, and all information required on such forms shall be supplied.

### **Section 1413.42 Number of Entries**

- a) A trainer may enter no more than two horses of the same or of separate ownership. When entering two horses of the same ownership, the owner or trainer must express a preference as to which horse will be entered if the number of entries received exceeds the number of horses permitted to start in the race. Two horses of the same ownership may not start to the exclusion of a single entry except when required by the conditions of the race. However, when a trainer enters two horses of separate ownership, for the purpose of eligibility to start, such horses shall be treated as if they were also entered by separate trainers.
- b) This Section shall not apply to stakes and handicap races.

### **Section 1413.44 48 or 72 Hour Entries**

Any horse entered on the overnight entry list shall not be entered in any other race with a 48- or 72-hour entry box without permission of the stewards and shall not be entitled to preference in either of those races.

### **Section 1413.46 Also Eligibles Under 48 or 72 Hour Rule**

Any horse entered on an overnight entry list as an also eligible may be entered in another race with a 48- or 72-hour entry box, and receive preference, provided a scratch is entered at the same time the entry into either entry box is made.

### **Section 1413.48 Uncoupled Entries (Repealed)**

### **Section 1413.50 Racing Secretary Receives Entries**

For all races, except sweepstakes, for which the closing time occurs immediately preceding or during the period of the race meeting, the racing secretary is the person authorized to receive entries and declarations. For races closing at other times, entries and declarations may be made to the racing secretary or general manager or other authorized executive of the race track operator.

### **Section 1413.60 Supervision of Entries**

All entries and declarations for races closing immediately prior to or during the period of the race meeting are under the supervision of the stewards; and all other entries and declarations are under the supervision of the Board.

### **Section 1413.70 When Entries Close**

Entries for all races shall not be closed earlier than the advertised time.

### **Section 1413.75 Limitation on Purse Increases or Reductions**

- a) No purse for any race may be increased or reduced after the purse has been advertised, published or reflected in the conditions without prior approval of the Executive Director of the Board. If approved, the Racing Secretary shall promptly post the change in purse on the public bulletin board in the Racing Secretary's office for the inspection of owners, trainers and the public, and list it in the "overnight sheets".
- b) No purse for any race may be increased or reduced after the first entry is made without prior approval of the Board.

### **Section 1413.80 Closing in Absence of Conditions**

In the absence of conditions of notice to the contrary, all entries to overnight races except handicaps are to be considered as closed not later than 2 p.m. of the day preceding the one on which the race is to be run.

### **Section 1413.90 Entry by Telegraph**

Entries by telegraph are binding if promptly confirmed in writing, but in overnight races said confirmation can have force only in case the name of the horse so entered has been printed on the official program. Failure to confirm in writing a bonafide entry by telegraph may subject the offender to the penalty of being suspended, or fined, in the discretion of the stewards.

### **Section 1413.100 List of Entries**

The racing secretary shall, each day at the advertised closing time for filing entries, prepare a typewritten list to be designated "overnight entries" and immediately post the same on the public bulletin board in the racing secretary's office for the inspection of owners, trainers and the public. Said list of "overnight entries" shall become official 30 minutes after such posting. No change thereafter shall be made therein because of any omissions or inaccuracies except that weights may be corrected upward at any time when improper allowances have been claimed, and in cases where, in the opinion of the stewards, Section 1412.40 (11 Ill. Adm. Code 1412.40) may apply.

### **Section 1413.110 Limitations on Entries**

All entries and declarations made in overnight races are under the supervision of the stewards, and they may, without notice, refuse the entries of any persons, or the transfer of any entries, and they may also in their discretion, limit entries by providing that no horse shall be entered for two races in any one day unless one is a sweepstakes. However, the owner, or trainer or authorized agent who enters the same horse in more than one race on the same day, must declare said horse out of all races, except one, by scratch time of the day said horse is so entered. In any overnight race where a person has entered more than one horse and there are horses on the also eligible list, the owner, trainer, or authorized agent must declare one horse out of said race by the regular scratch time or both horses must start in said race unless excused by the stewards for just reason.

### **Section 1413.114 Uncoupled Entries**

All entries, either same owner or different owner, shall be uncoupled wagering interests in any race. Second part of same owner entries will have least preference in overfilled races. If a race is split into two or more divisions, same owner entries shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.

### **Section 1413.120 Riders Designated**

At the time of making entry, the owner, trainer or authorized agent shall designate a jockey only if the jockey named is definitely engaged. If the jockey is not definitely engaged, then an entry shall be made without designating the jockey at the time of entry. Change of jockey designated may be made only by authorization of the stewards. Any violation of this rule will subject violators to fine or suspension.

### **Section 1413.131 Carding Purse and Handicap Races**

- a) On or before June 30, 2021, except as otherwise provided in subsection (a)(1), all non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having eight or more separate interests, must be carded and run.

- 1) Exceptions
  - A) The following races must be carded and run with seven or more betting interests:
    - i) Illinois maiden special weights;
    - ii) Illinois claiming races \$20,000 and above;
    - iii) Illinois allowance “one other than” or “other than” and “non-winners of two other than.”
  - B) Illinois conceived and/or foaled stake races must be carded and run with six or more betting interests. If scratches reduce the number of interests in any race to fewer than six, the association may run the race as a non-wagering exhibition and card and run a substitute race for wagering purposes.
- b) Beginning July 1, 2021, the track shall card races pursuant to this subsection. All non-claiming races (including maiden special weights, but with the exception of other maiden races) and claiming races with a claiming value of \$20,000 or more having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to fewer than six, the association may run the race as a non-wagering exhibition and card and run a substitute race for wagering purposes.

#### **Section 1413.134 Race Fails to Fill**

If a race fails to fill and is declared off, the names of all the horses that were entered therein shall be made known to the state steward not later than 1 p.m. of the same day.

#### **Section 1413.139 Substitute and Extra Races**

- a) On or before June 30, 2021, whenever a posted race is cancelled, the Racing Secretary will first use the substitute races listed in the Condition Book and then use the extra races, except for Illinois bred races, for which priority goes to the next listed Illinois bred race and then to an Illinois bred extra race.
- b) Beginning July 1, 2021, the track shall card races pursuant to this subsection. Whenever a posted race is cancelled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:
  - 1) when a feature or handicap race fails to fill, the extra race that can be used as a feature race shall take precedence over the other substitute and extra races;

- 2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible;
- 3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races;
- 4) when a posted race is split;
- 5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.

#### **Section 1413.140 Right to Declare Out**

- a) In purse races and overnight handicaps with eight or more interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards when a note from a licensed veterinarian establishes a medical reason to excuse the horse from the race or when there is a request from the Racing Secretary to fill a different race. The also eligibles shall have the preference to scratch over regularly carded horses.
- b) In purse races and overnight handicaps moved off the turf with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards.
- c) Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

#### **Section 1413.150 Number of Entries**

A list of names not to exceed six may be drawn from the overflow entries and listed as eligible to start if originally carded horses are withdrawn. If an also eligible list is prepared, and any regularly carded horses have been excused from a race, a new drawing shall be taken from horses on the also eligible list and order of eligibility and post position shall be determined by the sequence in which they are drawn. If the conditions of a stakes race specify otherwise, those conditions shall govern and this rule shall not apply.

### **Section 1413.160 Fee to Enter**

The entrance to a purse race shall be free, unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it must accompany the entry, except for fee handicaps, when it must be paid at the time of acceptance of the weight allotted.

### **Section 1413.170 Refunds**

Entrance money is not refunded on the death of a horse, or his failure to start.

### **Section 1413.180 Error in Entry**

A person making a wrong entry or nomination is liable for stakes and forfeits under that nomination.

### **Section 1413.190 Irrevocable Declaration**

Declaring a horse out of a race is irrevocable.

### **Section 1413.200 Notice of Declaration**

Until the owner or his authorized agent has given notice to the proper authority either in writing or by telegram, promptly confirmed in writing, no horse shall be considered as struck out of any of his engagements.

### **Section 1413.210 Entry of Unfit Horse**

The owner or trainer of any horse, before making the entry of such horse in any overnight race, must have said horse in condition to race, and if for any reason, said horse is not in such condition, it must be reported to the stewards and secretary.

### **Section 1413.220 Refusal for Inconsistency**

The stewards shall have the authority to order the refusal of entry of any horse or all of the entries of any owner because of inconsistent running of any horse or horses, and the stewards are empowered to make any investigation, formal or informal, to come to a determination and decision in respect thereto. Any such ruling shall be immediately reported, in writing, to the Board by said stewards.

### **Section 1413.230 Horse Ineligible**

- a) No horse is qualified to run in any race unless he is duly entered for that race.
- b) No disqualified horse shall be entered for a race.
- c) No disqualified person shall enter a horse in a race.

- d) In case of husband and wife, no entry shall be received from husband or wife while either is disqualified. Husband and wife, unless legally separated, shall be considered a single entity. Any ruling which applies to one shall apply equally to the other. This rule shall not apply in the case of a spouse suspended for a riding infraction or in such other cases, in the discretion of the stewards.
- e) The burden of proof of qualifications rests upon the individual in whose name the horse is entered.
- f) No horse on the starter's schooling list shall be entered for a race.
- g) No horse on the state veterinarian's list (see Rule #51A) (11 Ill. Adm. Code Section 1403.63) or the steward's list (see Rule #34B) (11 Ill. Adm. Code 1402.165) shall be entered for a race.
- h) No horse shall be started unless he has had a race or an officially clocked workout within the previous 30 days.
- i) A first time starter shall not have less than three officially observed and clocked workouts.
- j) A horse is ineligible if it is not qualified to participate in a specified race under the rules and conditions of that race.

#### **Section 1413.240 Who May Enter**

No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter in a race as the owner.

#### **Section 1413.250 Medical Reasons for Ineligibility**

A trainer or owner shall not enter or start, or cause to be entered or started, a horse that:

- a) is not in serviceable, sound racing condition;
- b) has an active tracheostomy;
- c) has been nerved or had cryosurgery performed on a nerve; except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
- d) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision;

- e) does not comply with the rules regarding Coggins tests (see 11 Ill. Adm. Code 1309, 1313, 1424 and 1431).

#### **Section 1413.260 Sweepstakes Entries**

Any entry of a horse in a sweepstakes is a subscription to the sweepstakes and the subscriber is liable for stake or forfeit, but should he transfer the entry, he is liable only in case of default of the transferee. Similarly, the vendor of a horse with engagements is liable for stake or forfeit if the engagements are not kept.

#### **Section 1413.265 Receipt for Nomination**

It shall be the responsibility of the nominator to any stake or handicap race to confirm telephone nominations or entries with written or faxed copies of the same. No appeal or dispute regarding lost nominations or errors shall be entertained by the stewards without such documented proof.

#### **Section 1413.270 Previous Engagements**

If a horse is sold by private sale, or at public auction, the written acknowledgment of both parties is necessary to prove the fact that he was sold with his engagements, but when a horse is sold or claimed out of a claiming race, the horse's engagements are included unless the advertised conditions of the race state specifically to the contrary. A sale, under any circumstances, to a person ruled off, or to a disqualified person, shall have the effect of a declaration of forfeit as if made by the vendor on the date of sale.

#### **Section 1413.280 Transfer of Engagements**

Subscriptions and all entries or rights of entry are valid when a horse is sold with his engagements duly transferred; in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subscription have been made previous to the decedent's death by the transfer of the right of entry. No entry, subscriptions, or right of entry under it shall become void on the death of the nominator or subscriber, the engagement or engagements made for the horse following him unless the conditions of the race or races for which he was entered stated otherwise.

#### **Section 1413.290 Transfer of Sweepstakes Engagements**

Subscribers to sweepstakes may, before the time fixed for naming, transfer the subscription, but a person making an entry under another subscription when forfeit must be declared by a particular time, shall be considered as having taken the engagement upon himself, and it shall be transferred to his name. Also before the time fixed for closing an entry of a horse in any race may be corrected or another horse may be substituted but a subscription cannot be withdrawn.

### **Section 1413.300 Jockey Club Certificates**

No horse shall be allowed to start unless his Jockey Club Registration Certificate is filed in the office of the racing secretary, with the exception that the stewards may, at their discretion, waive this requirement, if horses are shipped in for sweepstakes, or have been lip tattooed, and otherwise are properly identified.

### **Section 1413.305 Transfer of Jockey Club Certificate**

Commencing with foals of 1960, each racing secretary shall require that all transfers of title be properly recorded in the spaces provided on the reverse side of The Jockey Club Registration Certificate. Any transfers not so recorded will not be recognized and the thoroughbred will be ineligible to start, except that the stewards of the meeting may excuse any horse from this requirement for cause, permitting it to start and providing an opportunity for the owner to meet this requirement.

### **Section 1413.310 Number of Races in a Day**

No horse may be entered for two races in any one day unless one is a sweepstake and in such cases, it must be declared out of one of the races by regular scratch time.

**SOURCE:** Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p.251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; amended by emergency rulemaking at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015; amended at 39 Ill. Reg. 10636, effective July 17, 2015; amended by emergency rulemaking at 40 Ill. Reg. \_\_\_\_\_, effective May 1, 2016.

**PART 1415  
STARTING**

**Section**

1415.10	Identification of Horses
1415.15	Lip Tattoo or Microchip
1415.20	Authority of Starter
1415.30	Jockeys to Dismount
1415.40	All Horses Parade
1415.50	Horses Led to Post
1415.60	Starter's Orders
1415.70	Starter's Assistants
1415.80	Causes of Delay
1415.90	Report Presence on Grounds
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1415.110	Licensed Trainer
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1415.130	Scratches and Refunds
1415.140	Number of Starters
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1415.220	Schooling
1415.260	Inspection of Plating
1415.270	Change in Course
1415.280	Equipment Changes
1415.290	Prohibited Equipment

**Section 1415.10 Identification of Horses**

No horse shall be permitted to start that has not been fully identified. The responsibility in the matter of establishing the identity of a horse, of his complete and actual ownership, shall be as binding on the persons so identifying or undertaking to establish identification as it is on the person having the horse requiring identification. And the same penalty shall apply to them in case of fraud or attempt at fraud. The paddock judge in such instances shall keep a written record of such identification and by whom made.

**Section 1415.15 Lip Tattoo or Microchip**

No horse will be permitted to start at a pari-mutuel race meeting unless it has been tattooed on the upper lip with an identification number or implanted with an electronic horse identification microchip that accurately identifies the horse and is compliant with the international standards

(International Organization for Standardization, ISO Central Secretariat, 1, ch. De la Voie-Creuse, CP 56, CH-1211 Geneva 20 Switzerland, ISO Standard 11784:1996, no later additions or amendments). However, the requirement of a lip tattoo shall not apply to horses entered in stakes races when the horses are fully identified pursuant to Section 1415.10 and when the horses have raced at pari-mutuel race meetings outside of North America.

#### **Section 1415.20 Authority of Starter**

Horses are in the hands of the starter from the moment they leave the paddock until the start is made.

#### **Section 1415.30 Jockeys to Dismount**

In the case of delay at the post, the starter may permit the jockeys to dismount and the horses be cared for during the delay; otherwise, no jockeys shall dismount.

#### **Section 1415.40 All Horses Parade**

All horses shall parade, and under penalty of disqualification, carry their weight from the paddock to the starting post, such parade to pass the stewards' stand. A rider thrown on the way to the post must remount at the point at which he was thrown.

#### **Section 1415.50 Horses Led to Post**

The paddock judge may permit a horse to be led to the post with weight up, keeping a reasonable distance from the other horses in the race, and any horse so led must pass the stewards' stand.

#### **Section 1415.60 Starter's Orders**

The starter shall give all orders necessary to obtain a fair start.

#### **Section 1415.70 Starter's Assistants**

The starter may appoint his assistants who must be licensed by the Board. The starter, or his chief assistant, shall keep records of horses handled, by which assistant, and equipment used if other than the ordinary lead strap.

#### **Section 1415.80 Causes of Delay**

- a) Causes of delay, if any occur, shall be reported to the stewards by the starter.
- b) Post parades shall be for a period of 10 minutes unless a different period is approved by the state steward. Persons causing a delay in the post parade may be fined or suspended.

### **Section 1415.90 Report Presence on Grounds**

A horse shall not be qualified to start in any race unless not less than 30 minutes before the time set for the race:

- a) Its presence on the grounds of the operator is reported to the paddock judge;
- b) It is announced to the clerk of the scales as a starter; and
- c) The name of its jockey is given to the latter official.

### **Section 1415.100 Jockey Fees Paid**

No horse shall be allowed to start for any race and no jockey shall be weighed out for any horse until there has been paid or guaranteed the jockey fee or any stake or entrance money due, by the owner in respect to that race, which information shall be supplied by the racing secretary.

### **Section 1415.110 Licensed Trainer**

No horse shall be qualified to start in any race unless in the hands of a licensed trainer.

### **Section 1415.120 Veterinarians' List**

No horse on the veterinarians' list shall be qualified to enter or start.

### **Section 1415.130 Scratches and Refunds**

- a) The Board of Stewards may excuse any horse and order it scratched from a race at any time before the race is actually started.
- b) The operator shall also refund to the owner of such horse the starting fee, if any is required under the conditions of the race.

### **Section 1415.140 Number of Starters**

The number of starters in overnight races shall be limited by the width of the track at the starting post, the maximum number to be determined by the stewards. The number of starters in such overnight races, except handicaps, shall be reduced to the proper number by lot, or by division (also by lot) of the race, at the option of the operator. The division of overnight handicaps shall be made by the racing secretary in his entire discretion.

### **Section 1415.150 Horse Must Run the Course**

Every horse whose starting is obligatory is expected to run the course, unless excused by the stewards, and in case of failure to do so, the stewards may fine or suspend any person responsible therefor.

### **Section 1415.160 Starting Gate**

Except in cases of emergency, a padded starting gate, approved by the Board, shall be used in starting all races.

### **Section 1415.170 Post Positions**

All horses will enter the starting gate in the order of their announced post positions unless otherwise ordered by the starter with the approval of the stewards. Vicious and unruly horses may be placed on the outside of the line.

### **Section 1415.180 Horse, When a Starter**

Where a starting gate is used, no horse entered in any race is classed as a starter unless the starting gate opens in front of him simultaneously with the opening of the gates in front of the other horses at the start of the race. Refusal of a horse to break with his field shall not deem him a non-starter.

### **Section 1415.190 Failure of Starting Gate**

If for any reason the doors in front of any stall in a mechanically or electrically operated gate should fail to open, thereby preventing a horse from starting when the starter dispatches the field, these rules shall apply.

- a) If the conditions for a race include a starting fee, such fee shall be repaid to the owner of the horse prevented from starting in the race through failure of the gates to open.
- b) Where the film patrol is not used, the starter shall make the sole decision on the question of what horse or horses are prevented from starting in a race through failure of the gates to open.
- c) No recall or recall flag shall be used because of the failure of the gates to open.
- d) If in any race less than two horses leave the stalls, the operator shall not be obliged to make payment of purse money to the one horse which finishes, but shall endeavor to re-card the race at the earliest time possible.

### **Sections 1415.200 Start Without Gate**

When a race is started without a gate, there shall be no start until, and no recall after, the assistant starter has dropped his flag in answer to that of the starter.

### **Section 1415.210 Horse, When a Starter Without a Gate**

Where no starting gate is used, a horse entered is a starter when the official starter starts the race.

### **Section 1415.220 Schooling**

Horses shall be schooled to face the barrier under the supervision of the starter or his assistant, who shall designate the horses that are to constitute the schooling list.

### **Section 1415.260 Inspection of Plating**

A representative of the operator shall inspect the plating of each horse as it enters the paddock before the race, record the type of shoes worn on a board provided for that purpose in the paddock and keep a written record for the stewards. Any deficiency in shoeing shall be reported immediately by said inspector to the paddock steward. A trainer or owner shall not enter or start, or cause to be entered or started, a horse that, if plated, is not plated properly, as determined by the paddock blacksmith. If a horse is intended to start without shoes, it must be declared at the time of entry.

### **Section 1415.270 Change in Course**

By permission of the Board, races may be run over a race course other than the one over which they have been announced to be run.

### **Section 1415.280 Equipment Changes**

- a) Permission for a horse to wear blinkers, or to discontinue the use of them, must be approved by the starter before being granted by the stewards. Any request for such a change must be stated at the time of entry.
- b) Permission for a horse to wear blinkers, or to discontinue the use of them, following a winning race may be granted at the discretion of the stewards.

### **Section 1415.290 Prohibited Equipment**

Shoes (racing plates) that have toe grabs with a height greater than 2 millimeters (0.15748 inches) and bends, jar calks, stickers and any other traction devices shall be prohibited on the front shoes of thoroughbred horses while racing or training on all racing surfaces.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10985; amended at 6 Ill. Reg. 10013, effective August 3, 1982; amended at 7 Ill. Reg. 2170, effective February 4, 1983; amended at 14 Ill. Reg. 20056, effective December 4, 1990; amended at 18 Ill. Reg. 11620, effective July 7, 1994; amended at 27 Ill. Reg. 538, effective January 1, 2003; amended at 33 Ill. Reg. 4165 effective March 1, 2009; amended at 36 Ill. Reg. 16733, effective October 1, 2011.

**PART 1416**  
**RULES OF THE RACE**

**Section**

1416.5	Disqualification in Race
1416.10	Foul Riding
1416.20	Leaving Course
1416.30	Division of Purse in Dead Heat
1416.40	Dead Heat for First Place
1416.50	Official Records of Horse
1416.60	Walkover
1416.70	Value of Race
1416.80	Surplus
1416.90	Winnings
1416.100	Winnings in One Race
1416.110	Winner a Walkover
1416.120	Race Not Run or Void
1416.130	No Horse in Race
1416.140	Horse Ridden Out

**Section 1416.5 Disqualification in Race**

- a) When clear, a horse may be taken to any part of the course, provided that crossing or weaving in front of any horse may constitute interference or intimidation for which the offending jockey may be disciplined.
- b) A horse crossing in front of another horse so as actually to impede the latter may be disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.
- c) If a horse or jockey jostles another horse, the aggressor may be disqualified, unless the impeded horse or his jockey was partly in fault or the jostling was wholly caused by the fault of some other horse or jockey.
- d) If a jockey willfully strikes another horse or jockey, or rides willfully or carelessly so as to injure another horse which is in no way in fault or so as to cause other horses to do so, his horse is disqualified.
- e) When a horse is disqualified under this rule every horse in the same race entered by the same trainer, whether belonging to the same owner or not may also be disqualified at the discretion of the stewards.
- f) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before that jockey has passed the scales. When applicable, the complaint shall be made to the stewards through the outriders

(fast officials). But nothing in this rule shall prevent the stewards taking cognizance of foul riding.

- g) Any jockey against whom a foul is claimed shall be given the opportunity to speak with the stewards before any decision is made by them.
- h) A jockey whose horse has been disqualified or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be fined or suspended.

#### **Section 1416.10 Foul Riding**

If the stewards at any time are satisfied that the riding of any race was intentionally foul or that any jockey was instructed or induced to so ride, all persons guilty of complicity shall be suspended and the case shall be reported to the Board for such additional action as they may consider necessary.

#### **Section 1416.20 Leaving Course**

If a horse leaves the course, he must turn back and run the course from the point at which he left it.

#### **Section 1416.30 Division of Purse in Dead Heat**

In races where a dead heat occurs for first, second, third or fourth places, there shall be no runoff for the purse money, and prizes shall be equally divided among those engaged in dead heats.

#### **Section 1416.40 Dead Heat for First Place**

Each horse which runs a dead heat for first place in a race shall be deemed a winner of that race, and shall be liable, as such winner, to any disability or penalty attaching to same, but only in the amount of winnings actually received.

#### **Section 1416.50 Official Records of Horse**

If a horse winning a race equals or betters a track record and is disqualified, the record will be recognized as a track record unless the horse was disqualified for being stimulated. This track record shall be noted with an asterisk which will reveal that the horse was disqualified at the time it established the record.

#### **Section 1416.60 Walkover**

- a) If only one horse shall have weighed out, that horse shall be ridden past the judge's stand and go to the post, and shall then be deemed the winner.

- b) In sweepstakes, even if all the horses but one have declared forfeit, that horse must walkover except by the written consent of all the persons who pay forfeit.
- c) In case of a walkover, one-half of the money offered to the winner is given.
- d) When a walkover is the result of arrangements by owners or horses engaged, no portion of the added money nor any other prize need be given.

#### **Section 1416.70 Value of Race**

- a) The value of a race to the winner shall be estimated by deducting the amount of the winner's stake (if any) and by deducting the money payable to other horses or to any person out of the stakes or out of the added value. Entrance money to purses and entrance money going to the operator shall also be deducted.
- b) The value of prizes not in money will not be estimated in the value of the race.
- c) In estimating the value of a series of races in which an extra sum of money is won by winning two or more races, the extra sum shall be estimated in the last race by which it was finally won.
- d) Foreign winnings shall be estimated on the basis of the current rate of exchange.

#### **Section 1416.80 Surplus**

In all races, should there be any surplus from entries, or subscriptions over the advertised value, it shall be paid to the winner, unless stated by the conditions to go to other horses in the race.

#### **Section 1416.90 Winnings**

Winnings during the year shall include the winnings from the first of January preceding to the time appointed for the start, and shall apply to winnings to any country and winnings shall include dividing, walking over, or receiving forfeit.

#### **Section 1416.100 Winnings in One Race**

Winning of a fixed sum is understood to be winning it in one race, unless specified to the contrary.

#### **Section 1416.110 Winner a Walkover**

Any money or prize which by the conditions is to go to the horse placed second, or in any lower place in the race, shall, if the winner has walked over, or no horse has been so placed, be dealt with as follows:

- a) If part of the stake, it shall go to the winner; or
- b) If a separate donation from the operator, or any other source, it shall not be given at all; or
- c) If entrance money for the race, it shall go to the operator.

**Section 1416.120 Race Not Run or Void**

If a race never is run or is void, stakes and entrance money shall be returned.

**Section 1416.130 No Horse in Race**

A race may be declared void if no qualified horse covers the course according to rule.

**Section 1416.140 Horse Ridden Out**

Every horse in every race must be ridden so as to finish as near as possible to first, and show the best and fastest race it is capable of at that time and shall not be eased up or coasted, even if it has no apparent chance to win first, second, third or fourth prize, so that the record of that race may, as truly as possible, show its real ability.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10988; amended at 17 Ill. Reg. 19306, effective November 5, 1993; amended at 19 Ill. Reg. 2471, effective February 15, 1995.

## **PART 1417 OBJECTIONS**

<b>Section</b>	
1417.10	Objections
1417.13	Hearing on Suspension of License
1417.16	Denial of License
1417.20	Objection to Horse in a Race
1417.30	Who May Make Objections
1417.40	Proof of Qualifications
1417.50	Objection to Clerk of Scales Decision
1417.60	Time Limit on Objections
1417.70	Frivolous Complaints
1417.80	Erroneous Awards
1417.90	Pending Decisions
1417.100	Race in Dispute
1417.110	Fraud and Deception
1417.120	Withdrawing Objections
1417.130	Cost of Determination
1417.140	Complaints Against Officials

### **Section 1417.10 Objections**

The stewards must decide every objection pertaining to a race.

### **Section 1417.13 Hearing on Suspension of License**

- a) If the stewards at any race meeting shall suspend a license of any horse owner, trainer, jockey groom, stable foreman, exercise boy, veterinarian, or other occupation licensee, the license of said person shall be suspended pending a hearing of the Board.
- b) A ruling or recommendation of the stewards shall be presumed correct and the election of a party who is the subject of the same to forego an appeal during the prescribed time period, may be considered by the Board as a waiver of the rights here provided and an admission that said ruling or recommendation is correct and should be affirmed.

### **Section 1417.16 Denial of License**

The stewards shall have the authority to recommend the denial of a license after application of any horse owner, jockey, groom, stable foreman, exercise boy, veterinarian, or other occupation licensee to the Board.

### **Section 1417.20 Objection to Horse in a Race**

- a) Objections to a horse engaged in a race must be made by the owner, trainer, or jockey, of some other horse engaged in the same race, or by the officials of the race meeting to one of the stewards.
- b) All objections, except claims of interference during a race, must be made to the stewards in writing and signed by the objector, and must be filed not later than one hour before post time. The stewards, however, may scratch an ineligible horse at any time.

### **Section 1417.30 Who May Make Objections**

Complaints of what occurs in a race in so far as they apply to horse or jockey must be made by the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or the stewards before or immediately after the jockey has been weighed in.

### **Section 1417.40 Proof of Qualification**

Proof of the qualifications of any horse against which a protest has been lodged, as provided in these rules, may be demanded by the stewards, and in default of such proof being given, they may declare the horse disqualified.

### **Section 1417.50 Objection to Clerk of Scales Decision**

Objections to any decision of the clerk of the scales must be made within 15 minutes of the start of the race, if, in the opinion of the stewards, the circumstances did not permit longer notice.

### **Section 1417.60 Time Limit on Objections**

Objections to a horse, based on what occurred in a race, must be made before the numbers of the horses placed in the race have been officially confirmed.

### **Section 1417.70 Frivolous Complaints**

Owners and trainers who make frivolous complaints may be fined.

### **Section 1417.80 Erroneous Awards**

If by reason of an objection to a horse, a race or place is erroneously awarded to another horse, the owner so wronged is entitled to the money of which he is deprived, and in case of default, the stewards shall disqualify the owner who retains the money.

### **Section 1417.90 Pending Decisions**

Pending a decision based on an objection, any purse which the horse against which the objection is lodged may have won or may win in the race, or any money held by the racing secretary as the price of a horse claimed or bought in a selling race (if involved in the determination of the case), shall be withheld until the objection is determined.

### **Section 1417.100 Race in Dispute**

When a race is in dispute, both the horse which finished first and any horse for which the race is claimed shall be liable to all penalties attaching to the winner of that race until the matter is decided.

### **Section 1417.110 Fraud and Deception**

In all cases of fraud or wilful deception, the time limitations shall not apply, provided the stewards are satisfied that the allegations are bonafide and are susceptible to verification. The stewards may, on their own initiative, call for proof that a horse neither is disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person. In default of such proof, they may declare the horse disqualified.

### **Section 1417.120 Withdrawing Objections**

Permission of the stewards is necessary before an objection can be withdrawn.

### **Section 1417.130 Cost of Determination**

- a) Persons lodging an objection must pay all the costs and expenses incurred in determining the objection, in such proportions as the stewards shall decide, unless relieved from such expense by the Board.
- b) Before considering an objection, the stewards may require a cash deposit of \$50., which may be forfeited if the objection is held to be frivolous or vexatious.

### **Section 1417.140 Complaints Against Officials**

Complaints against an official or officials shall be made to the stewards in writing signed by the complainants. All such complaints shall be reported to the Board, together with the action taken on them by the stewards.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10990.

**PART 1420  
EMPLOYMENT**

**Section**

- 1420.10 Minimum Age
- 1420.20 Violation of Age Limit
- 1420.30 Unlicensed Employees

**Section 1420.10 Minimum Age**

Except for summer employment, properly certified by school authorities, and in such other cases in the discretion of the Stewards, no person who has not attained the age of sixteen years shall be employed within the confines of any race track operator by said operator or by any owner, trainer, or other licensee, licensed by the Board.

**Section 1420.20 Violation of Age Limit**

Any owner, trainer or race track operator employing a person in violation of the foregoing rule is liable to a fine of not exceeding \$200., and if such employment is continued after notice to desist has been served on him by the Board, the offender may be ruled off or otherwise less severely punished, as the Board may decide.

**Section 1420.30 Unlicensed Employees**

Any owner, trainer, or other licensee, licensed by the Board, who shall employ an exercise boy, groom, or other stable employee, who is not licensed by the Board, shall be subject to suspension by the stewards, and the case be referred to the Board.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10993.

**PART 1422**  
**CORRUPT PRACTICES**

**Section**

1422.10	Disbarment of Officials
1422.20	Bribes to Officials
1422.30	Betting by Assistant Starters and Other Employees
1422.40	Fraudulent Practices
1422.50	Intentional Foul
1422.60	Disqualified Horse
1422.70	Jockey Interest in Horse
1422.80	Foreign Book
1422.90	Handbooks
1422.100	Touting
1422.110	Offering a Bribe
1422.113	Accepting a Bribe
1422.117	Failure to Report Offer of Bribe
1422.120	Goaded Devices
1422.125	Firearms

**Section 1422.10 Disbarment of Officials**

No one interested in the result of a race either because of ownership of any horse entered or because of bets or other material interest such as might accrue in a futurity or produce stake, shall act as judge, starter or official therein; for any violation of this rule, the guilty person or persons may be suspended or ruled off.

**Section 1422.20 Bribes to Officials**

Every person committing the following offenses shall be ruled off:

- a) If any person gives or offers, or promises to directly or indirectly bribe in any form any person having official duties in relation to any race or race horse, or to any trainer, jockey or agent, or to any other person having charge of, or access to, any race horse; or
- b) If any person having official duties in relation to a race, or if any trainer, jockey, agent or other person having charge of, or access to, any race horse, accept, or offer any bribe in any form; or
- c) Wilfully enter, or cause to be entered, or to start for any race a horse which he knows or believes to be disqualified; or
- d) If any person be guilty of, or shall conspire with any other person for the commission of, or shall connive with any person being guilty of, any corrupt or fraudulent practice in relation to racing in this or any other country.

### **Section 1422.30 Betting by Assistant Starters and Other Employees**

No assistant starter or track employee having duties in relation to a race may wager money or other valuable thing on the result of a race.

### **Section 1422.40 Fraudulent Practices**

Every person committing the following offenses shall be ruled off:

- a) If any person fraudulently offers or receives any amount of money for declaring an entry out of a purse or stake; or
- b) If any person is a part owner or trainer of a horse in which a jockey has any interest; or
- c) If any person makes a bet with or on behalf of a jockey, unless it be a bet by the owner on a horse that the jockey is riding; or
- d) If any person offers or gives to any jockey any money, reward, or present in connection with the riding of any race by said jockey, unless said person is the employer of or the owner or trainer of the horse the jockey is riding; or
- e) If any jockey accepts a mutuel ticket or makes a bet on any horse other than the one he rides; or
- f) If any person be guilty of any other corrupt or fraudulent practice on the turf, in this or any other country.

### **Section 1422.50 Intentional Foul**

If the stewards at any time are satisfied that the riding of any race was intentionally foul, or that any jockey was instructed or induced so to ride, all persons guilty of complicity shall be suspended and the case shall be reported to the Board for such action as it may deem necessary.

### **Section 1422.60 Disqualified Horse**

Any horse that has been the subject of fraudulent practice may be disqualified, the stewards of the meeting disqualifying the horse for no longer period than the duration of the meeting and reporting the circumstances to the Board for such action as it may deem proper.

### **Section 1422.70 Jockey Interest in Horse**

Any person knowingly acting in the capacity of part owner or trainer of any horse in which a jockey possesses any interest or making any bet with or on behalf of any such jockey, shall be suspended and his case reported to the Board for such further action as it may deem necessary.

### **Section 1422.80 Foreign Book**

No operator giving a race meeting under license issued by the Illinois Racing Board shall permit bets to be made on the grounds of said operator on any race run outside of the grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds.

### **Section 1422.90 Handbooks**

Anyone guilty of making a handbook on the grounds of any operator licensed by the Board, shall be ejected from the grounds, and denied further admission thereto. Any person interested in any horse at said meeting who shall be guilty of betting with or through any such handbook, shall be ejected from the grounds or denied admission by order of the stewards.

### **Section 1422.100 Touting**

If any trainer, jockey, stable employee or other person solicits bets from the public by correspondence or other methods, to be made on a horse in any stable, such person or persons so offending shall be ruled off the course or denied admission by the stewards.

### **Section 1422.110 Offering a Bribe**

Any person who, with intent to influence any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition, gives, offers or promises any money, bribe or other thing of value or advantage to induce such participant, official or other person not to use his best efforts in connection with such contest, event or exhibition shall be fined from \$1,000 to \$5,000 or imprisoned in the penitentiary from one to five years, or both.

(Editor's Note: This is a quote from Ill. Rev. Stat. 1979 ch.38, par. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony).

### **Section 1422.113 Accepting a Bribe**

Any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who accepts or agrees to accept any money, bribe or other thing of value or advantage with the intent, understanding or agreement that he will not use his best efforts in connection with such contest, event or exhibition shall be fined from \$1,000 to \$5,000 or imprisoned in the penitentiary from one to five years or both.

(Editor's Note: this us a quote from Ill. Rev. Stat. 1979 ch.38, par. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony).

### **Section 1422.117 Failure to Report Offer of Bribe**

Any person participating, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who fails to report forthwith to his employer, the promoter

of such contest, event or exhibition, a peace officer, or the local State's Attorney any offer or promise made to him in violation of section 29-1 shall be fined not to exceed \$500 or imprisoned in a penal institution other than the penitentiary not to exceed one year or both.

(Editor's Note: This is a quote from Ill. Rev. Stat. 1979 ch.38, p14. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony).

#### **Section 1422.120 Goading Devices**

No appliances, electrical, mechanical or chemical, other than the ordinary whip shall be used for the purpose of stimulating a horse or affecting his speed in a race. Spurs may be employed during workouts or training periods. Every person so offending may be ruled off or otherwise penalized.

#### **Section 1422.125 Firearms**

No person, except track security personnel and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track enclosure.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10994; amended at 18 Ill. Reg. 17730, effective November 28, 1994.

**PART 1424**  
**REGULATIONS FOR MEETINGS**

**Section**

1424.10	Illinois Racing Board Right of Entry
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1424.40	Inspections and Searches (Repealed)
1424.45	Investigative Authority
1424.50	Allocation of Stalls
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1424.60	Distance Poles
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1424.80	Departure Slips
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1424.140	Safety Rails
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1424.270	Admission to Parts of Premises
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1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change
1424.370	Posting of Jockey Accident Insurance Coverage

#### **Section 1424.10 Illinois Racing Board Right of Entry**

All members of the Illinois Racing Board and its representatives shall have the right of entry at any and all points and places on the grounds and at the buildings of the operator.

#### **Section 1424.20 Office for Racing Board**

Each operator shall provide within its grounds a suitable office for the use of the members of the Illinois Racing Board or any of its representatives.

#### **Section 1424.40 Inspections and Searches (Repealed)**

#### **Section 1424.45 Investigative Authority**

The Chief Investigator of the Illinois Racing Board and Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned to assist the Chief Investigator, shall have the authority to conduct investigations concerning all matters within the jurisdiction of the Illinois Racing Board.

#### **Section 1424.50 Allocation of Stalls**

- a) No race track operator shall allocate stalls except pursuant to a written stall application and agreement, the form of which shall have been approved by the Board. The racing secretary shall be responsible for stall allocation unless some other official is substituted by the race track operator to perform such function and the Board notified thereof.
- b) The racing secretary shall give each applicant written notice specifying whether his application, with respect to each stall requested, has been accepted, denied or placed in a pending status. Such notice shall be given not later than five days prior to the start of the meeting or ten days after receipt of the stall application, whichever shall be last to occur.
- c) Within ten days after initial notification is required by this rule, final action shall be taken and written notice thereof given with respect to any stall application originally placed, in whole or in part, in a pending status.
- d) The racing secretary's view of the best interests of racing and of the meeting in question shall govern his actions on stall applications, and he shall be allowed broad discretion in performing this function. Nevertheless:
  - 1) No action on a stall application shall be based upon --
    - A) the race, color, creed, religion, national origin or sex of the applicant, or

- B) an arbitrary or capricious decision, or a decision not related to any reasonable view of the best interests of racing or of the meeting in question.
- 2) No stall allocation shall be conditioned upon the payment, transfer or delivery to the racing secretary, or to any other person designated by him, of any money, property or other thing of value or upon the applicant's promise to make such payment, transfer or delivery.
- e) Any owner, trainer or other person believing himself to be aggrieved by a violation of this rule may file a written complaint with the Board which shall conduct a hearing with respect to the alleged violation. If the Board determines that such a violation has occurred, it may impose a fine upon the race track operator not to exceed \$500 for each violation, may order that stalls be allocated to the complainant and may take such other action as it deems appropriate. In order to facilitate the conduct of inquiries into alleged violations of this rule, the racing secretary shall cause all stall applications, stall agreements, correspondence and other related material to be retained until the close of the meeting or for such longer period as the Board may direct.
  - f) In passing upon stall applications that are of substantially equal merit, the racing secretary shall give preference to applications submitted with respect to horses owned by Illinois residents.
  - g) Acceptance of an application for stall space for any horse shall be conditioned upon proof of a negative AGID (Coggins) test for equine infectious anemia.

#### **Section 1424.60 Distance Poles**

All distance poles shall be of standard color and designations, namely:

Quarter poles---red and white, Eighth pole---green and white, and Sixteenth poles---black and white

#### **Section 1424.70 Arrivals, Departure and Stabling**

- a) All horses arriving at or leaving a race meeting must be registered at the gate with a gateman or platform attendant, complete information regarding such arrival or departure to be set forth on a printed form.
- b) Any horse racing at a licensed meeting must be stabled within the confines of that track; provided, however, in case of necessity, such horse may be stabled within the confines of an adjacent Illinois race track or in another location approved by the Board. The operator holding the meeting shall provide a receiving barn and temporary stabling for horses eligible to race, which are brought to the races from approved outside stable space.

- c) Race track operators shall number each stall where horses are quartered.

#### **Section 1424.80 Departure Slips**

A departure slip must be signed in duplicate by a steward or his duly authorized representative, one being held by the gateman and one by the stewards' office before horses can be moved off grounds.

#### **Section 1424.90 Horse Ambulance**

There shall be a horse ambulance at all race tracks under the jurisdiction of the Board for the safe and expedient removal of crippled animals from the track. Horse ambulances must be equipped with a screen for use when an animal must be destroyed in view of the general public, a winch to lift dead or injured animals on to the ambulance, and a removable floor or other satisfactory device for the safe loading of a recumbent horse. Said ambulance shall also be equipped with a permanently attached and locked box containing drugs solely for the use of the state veterinarians when emergency medication is required.

#### **Section 1424.110 Extra Races**

No additional races on a racing date will be permitted without the written approval of the Secretary of the Board, and subject to conditions by the Board.

#### **Section 1424.120 Clockers**

- a) The operator shall employ an experienced clocker or clockers, approved by the stewards, who shall in the line of his or their duties, keep an actual record of all workouts, trials, gallops and speed tests, or any "morning races" on the track of said operator or on any track used as a training place for horses eligible to be entered at said race meeting, and said clocker shall, without delay, present his records to the handicapper or racing secretary and a copy thereof shall be delivered into the possession of the stewards; the racing secretary shall have a true copy of said records immediately available to all newspapers and recognized publications for the purpose of disseminating said information.
- b) All trainers desiring to work out a horse must identify the horse by name to such clocker or clockers or his representative and give the distance of the work out. No horse and rider shall enter the track who has not provided the stated information. Horsemen improperly identifying horses coming onto the track shall be subject to fine and/or suspension by the stewards.

#### **Section 1424.125 Outriders**

The operators shall furnish a licensed outrider who is to be on duty and suitably mounted each day during the hours when main tracks are open for exercising horses.

### **Section 1424.140 Safety Rails**

All thoroughbred organizations shall install interior rails designed to endure the safety of jockeys and horses and which are suitable to the Board. Any gooseneck rail shall have an adequate covering. Suitable rails and adequate covering include, but are not limited to, rails and coverings that will maintain the weight of a thoroughbred race horse and jockey, that will not splinter or crack and that do not become brittle, hard or decayed over time when exposed to various weather conditions.

### **Section 1424.150 Backstretch Paging System**

Each organization shall have in place a suitable backstretch paging system. A suitable backstretch paging system includes, but is not limited to, a system which has adequate equipment to reach all areas of the backside.

### **Section 1424.160 Camera**

- a) All operators shall take and make at their own expense a complete recording of all races run. The number and location of recording stations, the type of equipment used and the quality of the image must be satisfactory to the state steward. The state steward shall certify to the Board three days prior to the opening of any meeting, in writing, that he approved of the recording system, and believes it to be adequate. No system shall be so certified unless it can deliver the recording of the race within two minutes of the finish of that race.
- b) These recordings shall be under the control of the state steward and shall not be shown to other persons without his permission.
- c) Operators shall hold all recordings from one year from the final date of the race meeting at which they were made. Operators shall hold for five years all recordings in which there is an infraction or claim of foul and such other recordings as the state steward shall designate.
- d) In order to educate and protect the jockeys, operators shall provide facilities where recordings may be shown to the jockeys. Under the supervision of the stewards, recordings of the previous day's racing shall be shown each racing day to all jockeys riding in the previous day's program.

### **Section 1424.170 Emergency Medical Services**

Each organization licensee shall submit its emergency medical services plan to the Board, for the Board's approval, thirty (30) days prior to the start of its meet. The plan shall include all information relative to emergency medical services to be provided to racing participants and patrons, including but not limited to the name of any resource hospitals, agreements with any ambulance services (private and municipal), and the number and certification level of all emergency medical technicians. In approving an emergency medical service plan the Board

shall consider the proximity of the racetrack to its resource hospital, the size of the racetrack, and the type of racing to be conducted at the racetrack. Each plan shall also be certified by the Illinois Department of Public Health, Division of Emergency Medical Services.

#### **Section 1424.180 Policing of Premises**

The race track operator shall provide a sufficient number of guards and also watchmen to maintain order on all parts of the racing enclosure. No tipsters shall be allowed on any part of the licensed premises. No groom or stable attendant shall loiter in the betting ring or any place else with the evident intention of making tips for remunerations or for free. Anyone so found shall be brought to the stewards and his identification shall be taken up. Said offender will then be excluded from the premises. A written report shall be made by the stewards to said offender's employer; any employer continuing to harbor or employ any such person so reported, will be suspended, at the discretion of the stewards.

#### **Section 1424.190 Stable Area Security**

Each track operator shall furnish gatemen and night watchmen for all stable enclosures. The operator shall furnish to the state steward a complete tabulation showing name, duty, place stationed and portions of enclosures supervised by such gatemen and night watchmen. In the event horses are stabled outside the race track, that are eligible to race at a meeting of the race track operator, the same precautions and reports shall apply.

#### **Section 1424.200 Stable Area Security**

The race track operator shall also employ a sufficient number of guards to patrol the stable areas and make investigations.

#### **Section 1424.210 Security Reports**

Every person in charge of security at each race track shall submit a report each day of all incidents involving arrests and ejections, and all information relating to any criminal conduct, suspected or real, or any violation of the Rules and Regulations of the Illinois Racing Board. Such report shall be submitted to the Illinois Racing Board, the State Steward, and the Chief Investigator of the Illinois Racing Board. At the discretion of the person in charge of security, matters of a confidential nature may be designated confidential and reported separately to the Chief Investigator for investigative purposes.

#### **Section 1424.220 Night Patrol**

A nightly report shall also be given by the officer in charge of the night force stating in detail any disturbances, drunkenness, or disorderly conduct in and about the backstretch and stable area, giving in detail the names, badge numbers and license numbers of any person committing any offense whatsoever.

### **Section 1424.230 Telephones**

Telephone use shall be disallowed in the paddock areas, except under direct supervision of the Board or its delegates.

### **Section 1424.250 Races for Illinois Horses**

- a) Organization licensees shall provide at least two races each day limited to Illinois conceived and foaled horses or Illinois foaled horses or both by scheduling at least two such races each day in their condition books. At least one of such races shall be a regularly scheduled race and not a substitute or extra race.
- b) Organization licensees shall make every effort to conduct at least one Illinois conceived and foaled or Illinois foaled race each day. If however such race fails to fill, the organization licensee shall make up this deficiency within four racing days. Provided further that in the event that an organization licensee has conducted more than one Illinois conceived and foaled or Illinois foaled race per day during the preceding six racing days, said licensee will not be required to make up for a day in which it was unable to fill an Illinois conceived and foaled or Illinois foaled race. Whenever a race for Illinois conceived and foaled horses or Illinois foaled horses or both is eliminated for any one day, the Racing Secretary shall make a written report to the Board.
- c) Each proper Illinois foaled or Illinois conceived and foaled race which the licensee fails to hold or make up shall be a separate and distinct violation of this rule and of Section 30(c) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1981, Ch.8, par. 37-30(c))
- d) The purse value for an Illinois foaled or Illinois conceived and foaled race shall be no less than the purse value provided for races for open competition horses of the same class running under similar conditions.
- e) Within seven days after the commencement of any racing meeting, the racing secretary shall prepare and maintain for inspection by the Board a record of all Illinois foaled and Illinois conceived and foaled horses occupying stalls at the track at which the licensee is conducting its meeting. The list shall include information as to the age, sex, quality, and racing classification (e.g., Maiden, etc.) of each horse and the sire and dam of each horse.
- f) In addition to the other requirements of this rule, each licensee shall use its best efforts to schedule lead up races and races for the better class horses, provided that each licensee shall schedule no less than the following races each week for Illinois foaled or Illinois conceived and foaled horses:

- 1) After June 1st of each year, one race for 2 year old Maidens (Allowance Race).
- 2) One race for 3 year old and up Maidens (Allowance Race).
- 3) One race for 3 year old and up Maidens and winners of one race (Winners preferred) (Allowance Race).
- 4) After July 1st of each year, one race for 2 year old Maidens and winners of one race (Winners preferred) (Allowance Race).

#### **Section 1424.260 Breeder Awards**

Section 37(j-10) of the Illinois Horse Racing Act is incorporated in these rules, which section reads in part as follows:

"Provided further, that, to encourage the breeding of horses in the State of Illinois, a sum equal to 10 per cent of the winning purse of every race won by an "Illinois bred" horse shall be paid by the operator conducting the horse racing meeting to the breeder of the animal. The amount so paid to any breeder shall be taken from the operator's share of the money wagered and shall in no event reduce the amount of privilege taxes payable under this act. The amount so paid by the operator shall be paid at the end of each racing meet. An "Illinois bred" horse within the meaning of this section is deemed to be a foal dropped in the State of Illinois. The "breeder" as used herein, means the owner of the mare at time foal is dropped. The Illinois Racing Board shall provide for the registration of all "Illinois bred" horses. No horse shall be allowed to compete in an "Illinois bred race" unless the horse is so registered."

(Editor's Note: Quoted language has been repealed. See Section 30(j) of Illinois Racing Act of 1975 (Ill. Rev. Stat. 1979, Ch.8, par. 37-30(j))

#### **Section 1424.270 Admission to Parts of Premises**

- a) Only the following listed persons shall be entitled to enter the stable area of a race track operator: members, officers and employees of the Board who must show their identification cards; management and employees performing duties therein; racing officials; police officers; owners, trainers, grooms and other performing duties in the stable area and who possess a valid license from the Board.
- b) Except that the race track operator may authorize the entry of other persons, subject to the following minimum conditions:
  - 1) that such authorized persons be required to sign a daily guest log, and record the time of entry and the time of departure;

- 2) that such authorized persons be required to indicate the name of the person whom they are visiting.
- c) The race track operator shall adopt such rules and procedures as deemed necessary to protect the security of the stable area and to prevent the entry of unauthorized persons to that portion of the premises.
- d) Any person violating this rule shall be evicted from the licensed premises by the race track operator and thereafter denied admission as a patron or otherwise to any portion of the licensed premises.

#### **Section 1424.280 Stable Areas Fenced**

All such stable enclosures must be properly fenced and admission granted only on proper license or credentials actually shown to the gateman.

#### **Section 1424.290 Merchandise Selling**

The operator shall supervise the practice and methods of so-called merchandise peddlers who may have entry to the track enclosure to solicit among the employees engaged at the track; and such supervision shall be extended to any other tracks where horses are lodged who may be eligible to race at said meeting; provided however, that the operator shall not by virtue of this rule or otherwise restrict the open purchasing or attempt to control or monopolize said business or proper selling of merchandise to owners, trainers or stable employees.

#### **Section 1424.300 Tip Sheets**

Unless authorized by the operator and by the Board, no printed material dealing with odds, horses or the races, shall be sold, peddled or given away within any part of the race track of said operator, its entrances, approaches or places within its control. The operator shall not grant permission to any tip sheet, pamphlet or other publication making false or unwarranted representations. Nothing herein contained shall be construed as applicable to any newspaper, periodical, weekly, or monthly magazine of general circulation.

#### **Section 1424.310 Alcoholic Beverages**

- a) No operator shall sell or permit to be sold on its backstretch, or in any other area used by it for the stabling of horses, any alcoholic beverages, beer excepted.
- b) No operator shall permit into or in its stabling area or in any other area used by it, any person under the influence of alcohol.

#### **Section 1424.320 Jockey Quarters**

Each operator shall pay particular care to the cleanliness, sanitation and the appearance of the jockeys' quarters to the end that they may be safe, sanitary and habitable at all times.

### **Section 1424.330 Water Supply and Washrooms**

The operator shall furnish an adequate number of free drinking water fountains, comfort stations and washrooms throughout its grounds and buildings for the use of the public.

### **Section 1424.340 Drug Vendors**

Every distributor or vendor of drugs or medication within the confines of a race track must register in writing with the Board.

### **Section 1424.350 Seven Day Rule**

The race track operators, officials, horsemen, owners, trainers, jockeys, agents, grooms, platers, valets and all licensees, who have accepted with reasonable advance notice thereof the conditions under which a race meeting is planned to be conducted, shall, before they terminate or discontinue their employment, engagements or activities under such conditions, notify the Board and the respective interested persons, or operators at least seven days before such termination or discontinuance. The Board shall, upon notice to the parties in interest, conduct a hearing or hearings with respect to the matters involved. If the Board shall find that the cause of the termination or discontinuance of employment, engagements or activities is unreasonable, unlawful or contrary to the Rules and Regulations of the Board, or detrimental to the public interest or against the best interest of horse racing, or that the proper notice herein provided has not been given, it shall so advise all parties in interest and shall take such action against any offending parties as the Board in its discretion deems suitable. If the Board finds that the causes are reasonable, lawful and not contrary to the Rules and Regulations of the board, and are not detrimental to the public interest or to the best interests of racing, and that proper notice has been served, the Board shall so advise all parties in interest and shall use its best efforts to settle and disputes between said parties.

### **Section 1424.353 Penalty for Violation of Rules**

Any race track operator who violates any provision of the Rules and Regulations of Horse Racing or of the Illinois Horse Racing Act may be fined no more than \$5000.00 for each such violation and/or may have said operator's license to conduct a horse racing meeting suspended or revoked.

### **Section 1424.355 Stall Availability Prior to Meet**

Those applicants for racing dates which are allotted the first meetings for the thoroughbred racing season in any year, as a condition to their receiving their licenses to conduct racing meetings, shall make available to those horsemen who are to participate in such first meetings, and their horses, the backstretch and racing facilities at the race track at which such first meeting is to be conducted no less than three weeks prior to the commencement of such first meeting in the case of race tracks located within Cook County and no less than six weeks prior to the commencement of such first meeting in the case of race tracks located outside Cook County.

### **Section 1424.360 Notification of Change**

- a) Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.
- b) Each organization licensee shall have the authority to change prices charged for goods and services subject to notification to the Board. Goods and services shall include, but not be limited to, admission prices, parking fees and official racing programs and shall exclude food, beverages, and merchandise. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.
- c) Each organization licensee shall have the authority to change prices charged for wagering products (subject to Sections 26 and 26.2 of the Act) subject to notification to the Board. Wagering products shall include, but not be limited to, take-out or retention rates and minimum wager amounts. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change.
- d) *The Board may disapprove of any business practices by organization licensees identified in subsection (a), (b) or (c) if the Executive Director finds that such practices are detrimental to the public interest based upon industry standards (e.g. a national survey of comparable race tracks) or opposition from the public or interested parties. [230 ILCS 5/20.1]*

### **Section 1424.370 Posting of Jockey Accident Insurance Coverage**

- a) Each organization licensee shall have on file with the Board a copy of the actual insurance policy and shall post in the jockeys' room a summary of the licensee's on-track insurance coverage for jockeys who are injured while acting in the performance of their duties as a jockey on the grounds of the licensee. Upon request, the licensee shall provide a copy of the insurance policy to any licensed jockey participating in the race meeting. Requests shall be made in writing to the licensee's General Manager.
- b) In the event the insurance policy is changed during a race meeting, the licensee shall promptly post notice in the jockeys' room of any changes.

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990;

amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 27 Ill. Reg. 7226, effective April 19, 2004; amended at 31 Ill. Reg. 16536, effective December 1, 2007; amended at 32 Ill. Reg. 16502, effective October 1, 2008; amended at 36 Ill. Reg. 12824, effective August 1, 2012.

**PART 1425  
DISCRETIONARY RULES**

**Section**

1425.10	Matters Not Covered in the Rules
1425.20	Racing Rules Supersede Other Conditions
1425.30	Board May Contract with Others
1425.40	Rule in Accordance with Illinois Racing Act
1425.50	Validity of Rules and Regulations

**Section 1425.10 Matters Not Covered in the Rules**

If any case occurs which is not, or which is alleged not to be provided for in these rules, the matter shall be determined by the stewards or by the Illinois Racing Board, as the case may be, in such manner as they think to be just and conformable to the usages and best interests of the turf. The Board may punish independently any misconduct of any person connected with racing, or with the conduct of a race meeting.

**Section 1425.20 Racing Rules Supersede Other Conditions**

These Rules and Regulations or any other rule made by the Illinois Racing Board, supersede the conditions of a race or the regulations of a meeting when they conflict.

**Section 1425.30 Board May Contract with Others**

The Board may contract with racing authorities, race track operators or other bodies for the rendition of such advisory or other services as may be desired.

**Section 1425.40 Rule in Accordance with Illinois Racing Act**

These Rules and Regulations of racing are adopted in conformity to the provision of the Illinois Horse Racing Act in which the duties and powers of the Illinois Racing Board are described, defined and authorized, and the tax and revenue provisions are prescribed.

**Section 1425.50 Validity of Rules and Regulations**

The invalidity of any rule or part of any rule, as heretofore prescribed, shall not effect the validity of any of the remaining rules of the Illinois Racing Board

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended January 10, 1975, filed January 16, 1975; codified at 5 Ill. Reg. 11000; Section 1425.47 recodified to 11 Ill. Adm. Code 207.40 at 9 Ill. Reg. 11652.

**PART 1426  
NIGHT RACING**

**Section**

1426.10	Rules Apply to Both Day and Night
1426.20	Steward's Hours
1426.30	Lights On While Horses On Track
1426.40	Lights in Stable Area
1426.50	Parking Area Lighted
1426.60	Schedule of Races
1426.70	Report of Admissions
1426.80	Night Races

**Section 1426.10 Rules Apply to Both Day and Night**

All rules, regulations and conditions of the Illinois Racing Board shall govern both night and day racing.

**Section 1426.20 Stewards' Hours**

During each racing night the stewards shall assemble at the office building on the grounds of the operator, not later than three hours before post time of the first race, to exercise the authority and perform the duties imposed on them by the Rules and Regulations.

**Section 1426.30 Lights On While Horses On Track**

Lights used to illuminate the track shall be turned on immediately at the request of the State Steward. Lights shall not be turned on or off while a race is in progress or turned off while the horses are on the track.

**Section 1426.40 Lights in Stable Area**

The stable area must be properly lighted, so that it will be entirely void of darkness in all sections. Lights will be turned on at dusk and they shall remain on until one hour after the last race.

**Section 1426.50 Parking Area Lighted**

Parking area must be properly lighted, so they will be entirely void of darkness in all sections. Lights will be turned on at dusk and they shall remain on until one hour after the last race or until all cars have departed, which ever may first occur.

**Section 1426.60 Schedule of Races**

If for any reason the races scheduled for the night cannot be fulfilled by midnight, the stewards will cancel the remaining race or races and schedule them for another time.

**Section 1426.70 Report of Admissions**

All reports and records of admissions shall be in the hands of the Board not later than 8 p.m., the following day.

**Section 1426.80 Night Races**

To the times set forth in all rules dealing with day racing, six hours shall be added at such meetings where night racing is conducted.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended February 13, 1976, filed March 1, 1976; codified at 5 Ill. Reg. 11001.

**PART 1428**  
**ADMISSIONS AND CREDENTIALS**

**Section**

1428.10	Admissions Tax
1428.20	Admission Records
1428.30	Weekly Remittance of Tax
1428.40	Admission Statements
1428.50	Delivery of Reports
1428.60	Board Approval of Tickets and Credentials
1428.70	Control Numbers
1428.80	Revocation of Tickets, Credentials
1428.90	Notice of State Tax
1428.100	Credential and Ticket Specimens
1428.110	Gate Cards
1428.120	Tax Exempt Credentials
1428.140	Concessionaires, Employees Credentials
1428.150	Requisitions for Passes
1428.170	Summary of Tickets and Credentials
1428.180	Track Responsible for Credentials
1428.190	Board Access to Records
1428.200	Turnstiles and Electronic Scanning Devices
1428.210	Admission to Track
1428.220	Revocation of Credentials
1428.230	Admissions for Licensees
1428.240	Intertrack Wagering Location Licensee Admission Fees

**Section 1428.10 Admissions Tax**

- a) The race track operator shall pay to the Board at such time or times as the Board shall prescribe, the sum of 15 cents for each person entering the grounds or enclosure of the race track operator upon a ticket of admission. If tickets are issued for more than one day, then the sum of 15 cents shall be paid for each person using the ticket each day that the ticket is used. No charge shall be made on tickets issued to and in the name of directors, officers, partners, agents or employees of the race track operator, or to owners, trainers and drivers and their employees, or to any person or persons entering the grounds for the transaction of business in connection with the race meeting. No charge shall be made on tax exempt tickets of admission issued by the Board.
  
- b) Pursuant to subsection (a), the State Director of Mutuels shall direct and supervise the conduct of the admissions department during each race meeting. The State Director shall be empowered to direct the race track operator to adopt, subject to the approval of the Board, procedures, methods and systems as may be deemed necessary to ensure strict compliance with the rules and regulations of the Board.

- c) Intertrack wagering location licensees shall pay to the Board, within 48 hours, any admission taxes due to local municipalities and counties.
- d) The Board shall remit monthly any admission taxes due to local municipalities and counties.

#### **Section 1428.20 Admission Records**

The race track operator shall keep accurate books and records showing total attendance, admissions, both paid and complimentary, the number of taxable and tax free admissions and the gross receipts from admissions for each racing day of a meeting. These books and records shall be open to the Board and its duly authorized representatives for examinations and checks to ascertain the amount of taxes due and whether or not such taxes have been paid.

#### **Section 1428.30 Weekly Remittance of Tax**

The tax due hereunder shall be paid to the Board weekly and remittance made to the Board on Thursday following the close of each week. The operator shall enclose with his remittance to the Board a sworn itemized statement signed by his treasurer or comptroller, showing the total attendance, the number of admissions, both paid and complimentary, the number of taxable and tax free admissions for each day of the preceding week.

#### **Section 1428.40 Admission Statements**

Each race track operator must prepare daily an itemized, certified admission statement showing:

- a) A summary, separating clubhouse and grandstand, showing the number of fully paid admissions, complimentary admissions, service charge tickets and tax free admission for officials, corporation officers, press, horsemen, employees, racing officials and/or other persons entering on tax exempt admissions; also, the total amount from fully paid tickets, from complimentary or service charge tickets, and all other amounts received on account of admissions or taxes and the totals therefrom of the amount due the federal government and the amount due the state on account of the 40 cents admission ticket tax.
- b) Such summary shall also include a report of the daily turnstile reconciliations with the actual count using number and location of turnstiles, with notations listing discrepancies, if any.

#### **Section 1428.50 Delivery of Reports**

All such reports shall be delivered to the Board before 2 p.m. on the following day, when day programs are run, and before 6 p.m. on the following day, when night programs are run. The weekly reports previously mentioned shall be a complete consolidation of all daily reports.

### **Section 1428.60 Board Approval of Tickets and Credentials**

The Secretary of the Board must approve all race track operators' proposed tickets and credentials before an order can be placed with a printer or supplier.

### **Section 1428.70 Control Numbers**

All tax exempt tickets or credentials of admission for a race meeting shall be designed to include a serial or control number and code letter or number designating classification. These credentials and/or tickets are to be designed so that they cannot be used for admission more than once on any one racing day and applicable only to the current racing day.

### **Section 1428.80 Revocation of Tickets, Credentials**

All tax exempt tickets and credentials shall carry in bold type: "Not transferable and will be revoked if transferred."

### **Section 1428.90 Notice of State Tax**

The following shall be printed on all taxable admission tickets and credentials including complimentary, service charge and/or reduced rates of admission: "state tax 40 cents."

(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-25) now provides for an admission tax of 15 cents instead of 40 cents)

### **Section 1428.100 Credentials and Ticket Specimens**

The operator shall require each printer or other supplier to file with the Board certified copies of all manifests, showing serial number and the various types of admission tickets and credentials, including tax exempt and taxable, furnished to the track immediately after they are ordered.

### **Section 1428.110 Gate Cards**

Each operator must file a certified gate card, showing in complete detail specimen tickets and credentials, with the Secretary of the Board at least 10 days before the opening of a race meeting. Said tickets and credentials must be approved by the Board Secretary before they can be sold or distributed by the operator.

### **Section 1428.120 Tax Exempt Credentials**

The racing secretary shall issue tax exempt credentials of admissions only to those persons showing a current license or receipt therefore, and such others as may be authorized by the Secretary of the Board.

### **Section 1428.140 Concessionaires, Employees Credentials**

Designated employees and officials of the race track operator may issue tax exempt credentials for employee admission, subject to requirements, restrictions and limitations as set forth in each respective classification as follows:

- a) Regular employees' tax exempt admission credentials shall be issued only to persons directly on the operator's payroll, and actively employed during the race meeting.
- b) Concessionaire tax exempt admission credentials shall be issued only to persons actually on concessionaire payroll and working during the race meeting. Concession tax exempt employee credentials shall be issued only with the use of a large round identification button, provided by the concessionaire, showing the employee's concession number and name. Said button shall be attached to garment and prominently worn.

### **Section 1428.150 Requisitions for Passes**

- a) Designated employees and officials of the operator and in behalf of the operator, must file requisitions with the secretary of the Board in order to obtain authorization for the issuance of tax exempt tickets or credentials of admission to members of the working press, service employees, officials, and to persons having official business at the track during a race meeting. Said requisition prescribed by the secretary of the Board shall be submitted in duplicate under the signature of the head of the department along with duplicate listing of passes requested, and shall be subject to approval by the secretary of the Board.
- b) The following requirements, restrictions and limitations shall be observed in the issuance of tax exempt admission credentials in the classification as hereinafter set forth.
  - 1) Service employees' tax exempt admission credentials shall be issued only to persons actually engaged in providing service at a race meeting for a contractor, service company, public utility or others employed during a race meeting. Request for credentials must be made on purveyor's official stationery under duly authorized signature setting forth the name of each such employee, duties and justification for each pass requested.
  - 2) Business tax exempt admission credentials may only be issued to persons having official business at the track during racing hours and not classified as service employees. Requests for such credentials must be made on company or agency official stationery under the signature of ranking official, setting forth the name of each person for whom a pass is requested, along with duties and justification.

- 3) Press tax exempt credentials may only be issued to members of the working press when requested on the publications' official stationery under the signature of the editor or manager. All requests shall be subject to limitations based on circulation.
- 4) Official tax exempt credentials may only be issued to corporate officials and directors of the track, racing officials and to such others which are supported with proper justifications.

#### **Section 1428.170 Summary of Tickets and Credentials**

A summary shall be prepared by the operator and/or employees of the Board indicating by classification the amount of tax exempt tickets or credentials printed, issued, voided and on hand in each instance. Said summaries are to be submitted to the Board on the closing day of each racing meet.

#### **Section 1428.180 Track Responsible for Credentials**

- a) The operator and his duly appointed issuing agents and/or employees issuing tax exempt credentials in behalf of the Board shall be held accountable for all tax exempt tickets and credentials received, issued, voided and on hand until the final audit has been completed by representatives of the Board.
- b) All unissued and voided tax exempt tickets and credentials shall be retained until they are released by the Secretary of the Board. Upon release, they are to be destroyed by burning.

#### **Section 1428.190 Board Access to Records**

- a) Representatives of the Board shall have access to all payrolls and other supporting evidence to verify the eligibility of all holders of tax exempt tickets and/or credentials.
- b) The operator shall be subject to the payment of 40 cents state tax on all disallowed tax exempt tickets or credentials, issued, requisitioned or unaccounted for by the operator. Additional assessment for unaccounted and disallowed tax exempt tickets or credentials will be computed on the basis of 40 cents for each such ticket multiplied by the number of racing days granted to the operator or on a daily usage basis if certified to by a Certified Public Accountant.

(Editor's Note: Section 25 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8 par. 37-25) now provides for an admission tax of 15 cents instead of 40 cents)

### **Section 1428.200 Turnstiles and Electronic Scanning Devices**

All gates for the admission of patrons shall have turnstiles equipped with meters or electronic scanning devices, and the turnstiles or electronic scanning devices must be numbered consecutively or have other means of individual identification. The race track operator shall test the equipment at the opening of each racing day. The test is to be made under the supervision and direction of the Board or such agents as the Board may appoint. A daily reconciliation is to show a beginning reading and final reading of each device, the total admitted, and also a classified breakdown of all types of admittance. The operator must employ methods, subject to the approval of the Board, to record serial numbers and code letters or numbers each day a tax exempt ticket or credential is used for admittance, in order to substantiate all tax exempt admissions.

### **Section 1428.210 Admission to Track**

- a) No person shall be admitted to any race track after the admission gates have been manned and until the seventh race is run, except by tax exempt ticket or credentials or the payment of 40 cents state tax.
- b) The operator must employ methods and procedures in coordination with the start of manning admission gates each day to conduct a thorough check of admission enclosure areas allowing only those persons to remain who produce tax exempt credentials of admission. All others shall be escorted to the gate and readmitted only through turnstiles on admissions subject to 40 cents state tax.

(Editor's Note: Section 24 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8 par. 37-25) now provides for an admission tax of 15 cents instead of 40 cents)

### **Section 1428.220 Revocation of Credentials**

- a) It shall be the duty of each operator to revoke and take up all tax exempt tickets and/or credentials immediately of all employees who have been terminated or leave employment and all others whose admission credentials have been revoked by the track operator, and/or the Board. All such tickets and/or credentials shall be submitted to the Board's admission revenue representative.
- b) Two copies of each revocation order, prescribed by the Board, duly signed by the head of the department authorizing revocation, shall be submitted to the Board's admission revenue representative. Said order shall state reasons for revocation.

### **Section 1428.230 Admissions for Licensees**

All persons licensed by the Board who are engaged in the activities at a race meeting for which they are licensed shall be entitled to a tax exempt admission credential under the classification of license issued. If any person is licensed in more than one classification, only one admission credential shall be issued regardless of multiple licensing.

### **Section 1428.240 Intertrack Wagering Location Licensee Admission Fees**

- a) Each intertrack wagering location licensee that is subject to an admission fee pursuant to Section 27 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/27] shall remit such fee to the Board within 48 hours after receipt.
- b) Each intertrack wagering location licensee may install turnstiles to determine the total number of patrons admitted to its facility each day. Said turnstiles shall conform to the provisions of Section 1428.200. In the absence of per capita collection upon patron admission, each intertrack wagering location licensee shall calculate its daily patron attendance by dividing its daily handle by the intertrack per capita wager as published in the most recent Illinois Racing Board Annual Report.

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. 17633, effective October 16, 1990; amended at 14 Ill. Reg. 20042, effective December 4, 1990; emergency amendment at 17 Ill. Reg. 3683, effective March 4, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14049, effective August 16, 1993; amended at 19 Ill. Reg. 17187, effective January 1, 1996; amended at 31 Ill. Reg. 15103, effective November 1, 2007; amended at 35 Ill. Reg. 8508, effective May 23, 2011.

**PART 1429**  
**EVERY EMPLOYEE IDENTIFIED**

**Section**

1429.10                      Every Employee Identified

**Section 1429.10      Every Employee Identified**

Every employee of the Mutuel Department as well as every other employee of the operator, or the place of his employment, shall be so designated by number or name, that easy identification may be made by the public.

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 11005.

**PART 1437  
DISCLOSURE RULES**

**Section**

1437.10	Written Disclosure
1437.30	Written Disclosure for Corporations
1437.40	Notice of Changes
1437.50	Disclosure for Associates of Applicant
1437.60	Written Disclosure to Participate in Racing
1437.70	Political Contributions (Repealed)

**Section 1437.10 Written Disclosure**

Prior to November 1 of any year, all officers, directors, creditors and substantial owners of any beneficial interest of every association, corporation or other business entity desiring to hold or conduct a race meeting within the State of Illinois during any calendar year shall make a written disclosure on forms prescribed by the Board for approval of their participation in racing in the State of Illinois. Such forms shall be submitted under oath as prescribed in the form. A person owning 5 per cent or more of the equity of an applicant for racing dates shall be considered a substantial owner for the purposes of this rule. A person extending credit for more than one year or extending credit in excess of \$10,000 for less than one year, but more than 30 days, shall be considered a creditor for purposes of this rule, provided that, a horseman to whom moneys are owed as reflected in accounts maintained by the horsemen's bookkeeper shall not be considered a creditor.

(Editor's Note: Section 20 of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-20) now requires applications for horse race meetings to be filed prior to September 1, instead of November 1)

**Section 1437.30 Written Disclosure for Corporations**

Where a corporation owns 25 per cent or more of the equity of an applicant for dates, holders of 10 per cent or more of its capital stock shall make written disclosure under these Rules and Regulations on the forms prescribed; provided, however, that this rule shall not apply to any corporation, the securities of which are registered with the Securities and Exchange Commission pursuant to the Securities Act of 1933 and the rules and regulations issued thereunder. Corporations qualifying under this exemption shall file with the Board copies of all papers filed with the Securities and Exchange Commission.

**Section 1437.40 Notice of Changes**

Within 10 days after election, appointment or acquisition of substantial ownership, or extending of credit, the Board shall be notified of the identity of each new officer, director, or substantial owner, or creditor of a race track operator. Each new officer, director, substantial owner, or creditor shall make a written disclosure to the Board on forms prescribed by the Board for approval of their participation in racing in Illinois.

### **Section 1437.50 Disclosure for Associates of Applicant**

- a) The Board may determine that any person or entity associated or affiliated with any applicant for or race track operator shall make written disclosure for approval or supervision of their participation in racing in the State of Illinois.
- b) It shall be agreed expressly in each application for racing dates, and shall be a condition of granting any application, that the applicant and all persons associated with the applicant shall furnish all information requested or subpoenaed by the Board.

### **Section 1437.60 Written Disclosure to Participate in Racing**

- a) A person making or requested to make written disclosure for approval or supervision of his participation in racing in Illinois under these rules shall expressly agree in writing on the prescribed form to disclose all information which the Board may at any time request.
- b) All such persons shall be expected to adhere to the standards of conduct applicable to persons working at tracks in Illinois.
- c) The fact that a person making or requested to make written disclosure is an officer, director, employee, partner, or owner of an illegal gaming or gambling operation, institution or business is inconsistent with the granting of racing dates to the applicant with which he is associated or affiliated.
- d) The fact that a person making or requested to make written disclosure is an officer, director or substantial owner of a gaming operation where such is permitted by the jurisdiction in which it is located, may be considered inconsistent with the granting of racing dates to the applicant with which he is associated or affiliated.
- e) For the purpose of this rule the term gaming operation shall not be deemed to refer to or include any meeting whereat horse racing, harness racing, or quarter horse racing is permitted for any stake, purse or reward or where pari-mutuel or certificate method of wagering is conducted.
- f) Should a person making or requested to make a written disclosure for approval or supervision of his participation in racing in Illinois be under investigation pending approval or suspension by any racing commission, pari-mutuel wagering commission, or gaming Board in any other state or country, the Board shall reach no conclusion on the granting of racing dates with which he is associated or affiliated until such time as the investigation is concluded, approval is granted, or the suspension terminated on grounds not inconsistent with the standards of conduct applicable to persons working at a track in Illinois.

**Section 1437.70 Political Contributions (Repealed)**

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 11008; amended at 29 Ill. Reg. 8416, effective June 1, 2005.

**PART 1440**  
**QUARTERHORSE RACING**

**Section**

1440.10	Rules and Regulations
1440.20	Designation of Officials
1440.30	Whipping
1440.40	Schooling
1440.50	Apprentices, Special Allowances and Weights
1440.60	Registration Certificate
1440.70	Photo-Finish Camera
1440.80	Starting Gate

**Section 1440.10 Rules and Regulations**

The rules and regulations governing thoroughbred racing shall also govern quarter horse racing, except for the following additional rules.

**Section 1440.20 Designation of Officials**

In quarter horse racing, patrol judges and placing judges shall not be mandatory. At the Illinois Racing Board's discretion, the stewards may, in addition to their regular duties, serve in these positions.

**Section 1440.30 Whipping**

No whip shall be carried on any two-year old until he has had two workouts under the supervision of the stewards. Thereafter, the decision as to when a horse is running true enough to permit the use of a whip shall be at the discretion of the stewards. No whip shall be carried on any horse in a race when making a first start unless its use has been approved by the stewards.

**Section 1440.40 Schooling**

Prior to their first start, all two-year olds must be approved by the starter for their conduct in and breaking out of the gate.

**Section 1440.50 Apprentices, Special Allowances and Weights**

An apprentice jockey may ride in a race in which quarter horses are eligible to start, but may not claim apprentice allowance in such races and the riding of the winner of such a race shall not be considered in computing the expiration of his right to claim apprentice allowances in races restricted to thoroughbreds. No sex allowance or scales of weight-for-age shall be used in quarter horse racing.

**Section 1440.60      Registration Certificate**

No horse shall be permitted to start in a race until the Registration Certificate has been filed with the Racing Secretary and the horse shall be fully identified by a representative of the Board; likewise, no leased horse shall be permitted to start in a race until the Registration Certificate and a copy of the Lease Authorization have been filed with the Racing Secretary and Board Stewards and the horse shall be identified by a representative of the Board.

**Section 1440.70      Photo-Finish Camera**

All tracks conducting quarter horse meets must be equipped with a photo finish timing camera which has electronic circuits and a quartz crystal timing base and must be capable of operating either AC or DC without loss of accuracy. Every camera must be calibrated and accurate to a minimum of 1/100th of a second.

**Section 1440.80      Starting Gate**

All races must be started from a closed starting gate, set exactly on the starting line. All start distances must be permanently marked near both the inside and outside rails. The starting gate must be equipped with timing switches which shall be activated from the time which the starting gate is opened.

SOURCE: Emergency adoption at 17 Ill. Reg. 14181, effective August 18, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2098, effective January 21, 1994.

**PART 1441**  
**THOROUGHBRED BREEDERS' CUP**

**Section**

1441.10	Rules and Regulations
1441.20	Illinois as the Host State
1441.30	Entries
1441.40	Pick (n) Pools
1441.50	Turnstiles
1441.60	Distribution of Purses

**Section 1441.10 Rules and Regulations**

The rules and regulations governing thoroughbred racing shall also govern Breeders' Cup thoroughbred races conducted at a Breeders' Cup event hosted by an Illinois racetrack, except for the additional rules specified in this Part.

**Section 1441.20 Illinois as the Host State**

In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, and if for any reason it becomes impossible to successfully merge such pools, the Board's parimutuel auditor, in consultation with the organization licensee's mutuel manager, shall authorize the manual merger of the pools. The decision of the Board's parimutuel auditor shall be final.

**Section 1441.30 Entries**

The uncoupling of entries, with common owners and trainers, shall be permitted. All parimutuel rules regarding the coupling or uncoupling of entries noted in Parts 306, 311 and 1413 shall not apply.

**Section 1441.40 Pick (n) Pools**

A separate Pick (n) shall be permitted with a mandatory distribution pursuant to 11 Ill. Adm. Code 308.70(a), (b) and (d). Any Pick (n) pool with a carryover that exists during the meet of the host of the Breeders' Cup will not consider Breeders' Cup day as a day of racing for that pool, but rather carryover to the next racing day following the Breeders' Cup day.

**Section 1441.50 Turnstiles**

In lieu of turnstiles, the organization licensee may use a count of pre-printed tickets in the auxiliary seating areas.

**Section 1441.60      Distribution of Purses**

No purse money shall be distributed until all drug testing has been completed by the Board laboratory.

SOURCE: Adopted at 26 Ill. Reg. 8152, effective June 1, 2002; amended at 26 Ill. Reg. 14691, effective October 1, 2002.

**PART 1625**  
**AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE**

**Section**

1625.10	Purposes
1625.20	Definitions
1625.30	Procedure
1625.40	Designated Coordinator Level
1625.50	Final Level
1625.60	Accessibility
1625.70	Case-by-Case Resolution

**Section 1625.10 Purposes**

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Racing Board (Board), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Board to foster open communication with all individuals requesting readily accessible programs, services and activities. The Board encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

**Section 1625.20 Definitions**

“Act” or “ADA” means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

“Board” means the Illinois Racing Board.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

"Designated Coordinator" is the person appointed by the Executive Director who is responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 100 W. Randolph St., Suite 5-700, Chicago, Illinois 60601(See 28 CFR 35.107).

“Executive Director” means the Executive Director of the Illinois Racing Board.

“Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of that individual; a record of such impairment; or being regarded as having an impairment.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Board and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Board, or has been subject to discrimination by the Board.

“Grievance Form” is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses, if applicable.

“Qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Illinois Racing Board.

### **Section 1625.30 Procedure**

- a) Grievances must be submitted in accordance with the steps and time limits set forth in Sections 1625.40 and 1625.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and Final Levels described in Section 1625.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure.
- c) The Board shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

#### **Section 1625.40 Designated Coordinator Level**

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance if the grievance is found to be valid and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Executive Director within 15 business days after receipt of the Grievance Form.

#### **Section 1625.50 Final Level**

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 business days the Executive Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Executive Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Director in writing and shall also sign the recommendation.

- e) Within 15 business days after receipt of recommendations from the panel, the Executive Director shall approve, disapprove or modify the panel recommendations, shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel's recommendations, the Executive Director shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel, and the decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160], or as otherwise required by law.

**Section 1625.60      Accessibility**

The Board shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

**Section 1625.70      Case-by-Case Resolution**

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Board. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

SOURCE: Adopted at 28 Ill. Reg. 8822, effective November 1, 2004.

**PART 2250  
RULEMAKING**

**Section**

2250.10	Initiation of Rulemaking Proceedings
2250.20	Public Participation in Rulemaking
2250.30	Requests to Initiate Rulemaking
2250.40	Emergency Rulemaking

**Section 2250.10     Initiation of Rulemaking Proceedings**

The Board shall initiate rulemaking proceedings pursuant to Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

**Section 2250.20     Public Participation in Rulemaking**

- a) Interested parties may submit comments, data, views or arguments within 45 days after publication of a proposed rulemaking in the Illinois Register.
- b) Comments on a proposed rulemaking should be addressed to Administrative Rules Coordinator and must be received at the Board's principal office within 45 days after publication of the rulemaking in the Illinois Register.
- c) The time for filing comments may be extended by a member of the Board or by the Chairman.
- d) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or he/she may refer the matter to:
  - 1) a standing committee which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rulemaking;
  - 2) a committee appointed by the Chairman;
  - 3) a single Board member designated by the Chairman.
- e) The Board shall consider all data, views, arguments, and comments submitted by interested parties.

**Section 2250.30     Requests to Initiate Rulemaking**

- a) Any person may request the Board to adopt, amend or repeal a rule pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145].

- b) Any person requesting the initiation of rulemaking shall be required to submit the following information in writing within 10 days after the original request:
- 1) The name and address of the person submitting the request.
  - 2) A statement of the rule proposed for adoption.
  - 3) Specific reference to any rules the requestor seeks to have amended or repealed.
  - 4) Specific reference to any existing rules that are inconsistent with the proposed rulemaking.
  - 5) The statutory authority for the proposal.
  - 6) A brief statement of facts and arguments in support of the proposed rulemaking.
  - 7) Identification of any person adversely affected by the proposed rulemaking.

#### **Section 2250.40      Emergency Rulemaking**

If the Board finds that an emergency reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rulemaking upon fewer than 45 days notice, it may adopt an emergency rule without prior notice or hearing, pursuant to Section 5-45 of the Ill. Administrative Procedure Act [5 ILCS 100/5-45].

SOURCE: Subpart A adopted at 4 Ill. Reg. 19, p. 240 effective April 29, 1980; codified at 5 Ill. Reg. 10873; Subpart B adopted at 2 Ill. Reg. 36, p. 272, effective September 9, 1978; codified at 5 Ill. Reg. 10875; Subpart A recodified from 11 Ill. Adm. Code 202 and Subpart B recodified from 11 Ill. Adm. Code 203 at 8 Ill. Reg. 16342; old Part repealed and new Part adopted at 24 Ill. Reg. 12732, effective August 1, 2000.

**PART 2251**  
**ACCESS TO PUBLIC RECORDS OF THE ILLINOIS RACING BOARD**

**SUBPART A: INTRODUCTION**

**Section**

- 2251.101 Summary and Purpose
- 2251.102 Definitions

**SUBPART B: CLASSIFICATION OF RECORDS**

**Section**

- 2251.201 Records That Will Be Disclosed
- 2251.202 Records That Will Be Withheld from Disclosure
- 2251.203 Statutory Exemptions

**SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD**

**Section**

- 2251.301 Submittal of Requests for Records
- 2251.302 Information To Be Provided in Requests for Records
- 2251.303 Requests for Records for Commercial Purposes

**SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS**

**Section**

- 2251.401 Timeline for Board Response
- 2251.402 Requests for Records that the Board Considers Unduly Burdensome
- 2251.403 Requests for Records that Require Electronic Retrieval
- 2251.404 Denials of Requests for Records
- 2251.405 Requests for Review of Denials – Public Access Counselor
- 2251.406 Circuit Court Review
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**SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS**

**Section**

- 2251.501 Inspection of Records
- 2251.502 Copying of Records; Fees
- 2251.503 Reduction and Waiver of Fees

2251.APPENDIX A Fee Schedule for Duplication and Certification of Records

## SUBPART A: INTRODUCTION

### **Section 2251.101 Summary and Purpose**

- a) All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Board's central office. An employee of the Board may be present throughout the inspection.
- b) The Freedom of Information Officer shall make available to the public at no charge the following materials:
  - 1) A brief description of the organizational structure and budget of the Board;
  - 2) A brief description of the means for requesting information and records;
  - 3) A list of types and categories of records maintained by the Board;
  - 4) An individual Part of the Board's rules; and
  - 5) A current Annual Report of the Board.
- c) All requests for information shall be in writing and directed to the Board's FOIA Officer via mail, facsimile or electronic communications in accordance with the procedures defined in Sections 2251.301 and 2251.302;
- d) Reasonable attempts will be made to prevent the disclosure of information constituting an "unwarranted invasion of personal privacy", as defined in Section 2251.102, including occupation license applications, unless information requests are made by racing officials in this or other jurisdictions.
- e) Should the Board determine the requested information is exempt from disclosure, under Section 7 or 7.5 of FOIA, the FOIA Officer shall notify the requesting party in accordance with the procedures contained within Section 2251.404. If the Board asserts that the records are exempt under Section 2251.202(a)(1)(C) or (F), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part in accordance with the procedures contained within Section 2251.404.

### **Section 2251.102 Definitions**

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act. The following definitions are applicable for purposes of this Part:

"Act" means the Illinois Horse Racing Act of 1975 [230 ILCS 5].

"Board" means the Illinois Racing Board as established by the Act.

*"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:*

*to access and disseminate information concerning news and current or passing events;*

*for articles of opinion or features of interest to the public; or*

*for the purpose of academic, scientific, or public research or education.*  
(Section 2(c-10) of FOIA)

*"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Board. (Section 2(d) of FOIA)*

"Director" means the Director of the Board.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

*"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)*

*"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)*

*"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal*

*license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)*

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

*"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Board. (Section 2(c) of FOIA)*

"Requester" is any person who has submitted to the Board a written request, electronically or on paper, for records.

*"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)*

## SUBPART B: CLASSIFICATION OF RECORDS

### **Section 2251.201 Records That Will Be Disclosed**

Upon request meeting the requirements of this Part, the Board will disclose to the requester all records requested except that it will not disclose certain records as provided in Section 2251.202 or 2251.203. Records covered under this Section shall include, but are not be limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Board are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Board under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to*

*inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Board prior to disclosure. (Section 2.10 of FOIA);*

- c) *Criminal history records. The following documents maintained by the Board pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
  - 1) *Court records that are public;*
  - 2) *Records that are otherwise available under State or local law; and*
  - 3) *Records in which the requesting party is the individual identified, except as provided under Section 2251.202(a)(5)(F) of this Part. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Board are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 2251.202 or 2251.203 of this Part may be redacted. (Section 2.20 of FOIA)*

## **Section 2251.202 Records That Will Be Withheld from Disclosure**

*When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Board will make the remaining information available for inspection and copying. (Section 7(1) of FOIA)*

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*
  - 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law; (Section 7(1)(a) of FOIA)*
  - 2) *Private information, unless disclosure is required by another provision of FOIA, a State of federal law or a court order; (Section 7(1)(b) of FOIA)*
  - 3) *Files, documents and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects; (Section 7(1)(b-5) of FOIA)*

- 4) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA)*
  
- 5) *Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:*
  - A) *Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;*
  - B) *Interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;*
  - C) *Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;*
  - D) *Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the Board will provide traffic accident reports, the identities of witnesses to traffic accidents, and rescue reports, except when disclosure would interfere with an active criminal investigation;*
  - E) *Disclose unique or specialized investigative techniques other than those generally used and known, or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the Board;*
  - F) *Endanger the life or physical safety of law enforcement personnel or any other person; or*
  - G) *Obstruct an ongoing criminal investigation by the Board; (Section 7(1)(d) of FOIA)*

- 6) *Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the Executive Director of the Board. The exemption provided in this subsection (a)(6) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents; (Section 7(1)(f) of FOIA)*
- 7) *Trade secrets and commercial or financial information obtained from a person or business when the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. All trade secrets and commercial or financial information obtained by the Board, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this subsection (a)(7) does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this subsection (a)(7) does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(7) shall be construed to prevent a person or business from consenting to disclosure; (Section 7(1)(g) of FOIA)*
- 8) *Proposals and bids for any contract, grant or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the Board, until an award or final selection is made. Information prepared by or for the Board in preparation of a bid solicitation shall be exempt until an award or final selection is made; (Section 7(1)(h) of FOIA)*
- 9) *Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by the Board when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subsection (a)(9) does not extend to requests made by news media as defined in Section 2251.102 when the requested information is not otherwise exempt and the only purpose of the request is to access and*

*disseminate information regarding the health, safety, welfare or legal rights of the general public; (Section 7(1)(i) of FOIA)*

- 10) *Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated or occupied buildings, but only to the extent that disclosure would compromise security; (Section 7(1)(k) of FOIA)*
- 11) *Minutes of meetings of the Board closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the Board makes the minutes available to the public under Section 2.06 of the Open Meetings Act; (Section 7(1)(l) of FOIA)*
- 12) *Communications between the Board and an attorney or auditor representing the Board that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Board in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Board, and materials prepared or compiled with respect to internal audits of the Board; (Section 7(1)(m) of FOIA)*
- 13) *Records relating to the Board's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)*
- 14) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section; (Section 7(1)(o) of FOIA)*
- 15) *Records relating to collective negotiating matters between the Board and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying; (Section 7(1)(p) of FOIA)*

- 16) *Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment; (Section 7(1)(q) of FOIA)*
- 17) *The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt only until a sale is consummated; (Section 7(1)(r) of FOIA)*
- 18) *Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications; (Section 7(1)(s) of FOIA)*
- 19) *Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175]; (Section 7(1)(u) of FOIA)*
- 20) *Vulnerability assessments, security measures and response policies or plans that are designed to identify, prevent or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this subsection (a)(20) may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations; (Section 7(1)(v) of FOIA)*
- 21) *Information contained in or related to proposals, bids or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855] and Section 16-111.5 of the Public Utilities Act [20 ILCS 5] that is determined to be confidential and*

*proprietary by the Illinois Power Agency or by the Illinois Commerce Commission; (Section 7(1)(y) of FOIA)*

22) *Information the disclosure of which is exempted under the Viatical Settlements Act [215 ILCS 158]. (Section 7(1)(aa) of FOIA)*

- b) *A record that is not in the possession of the Board but is in the possession of a party with whom the Board has contracted to perform a governmental function on behalf of the Board, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Board for purposes of Subpart C. (Section 7(1)(b) of FOIA)*

### **Section 2251.203 Statutory Exemptions**

*To the extent provided for by the following statutes, the following shall be exempt from inspection and copying:*

- a) *All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700].*
- b) *Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act [75 ILCS 70].*
- c) *Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.*
- d) *Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].*
- e) *Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act [420 ILCS 44].*
- f) *Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].*
- g) *Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act [110 ILCS 979].*
- h) *Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430] and records of any lawfully created State or*

*local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.*

- i) *Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code [65 ILCS 5].*
- j) *Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act [20 ILCS 2605].*
- k) *Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code [625 ILCS 5].*
- l) *Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act [210 ILCS 28].*
- m) *Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act [765 ILCS 77], except to the extent authorized under that Article.*
- n) *Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act [725 ILCS 124]. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.*
- o) *Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].*
- p) *Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act [70 ILCS 3615] or the St. Clair County Transit District under the Bi-State Transit Safety Act [45 ILCS 111].*
- q) *Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40].*
- r) *Information prohibited from being disclosed by the Illinois School Student Records Act [105 ILCS 10].*

- s) *Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act [220 ILCS 5]. (Section 7.5 of FOIA)*

## SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD

### **Section 2251.301 Submittal of Requests for Records**

- a) Any request for records should be submitted in writing to the Board's FOI Officer. The FOI Officer is located in the Central Office of the Illinois Racing Board at the James R. Thompson Center in Chicago.
- b) Contact information for the FOI Officer can be found online at [www.state.il.us/agency/irb/racing/inside/FOIA%20Contact.htm](http://www.state.il.us/agency/irb/racing/inside/FOIA%20Contact.htm).
- c) FOIA requests may be submitted via mail, e-mail, fax or hand delivery. Requests should be mailed or hand delivered to:

Illinois Racing Board  
100 W. Randolph St.  
Suite 5-700  
Chicago IL 60601  
Attn: FOI Officer

- d) E-mailed requests should be sent to [IRB.info@illinois.gov](mailto:IRB.info@illinois.gov), contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 312-814-5062, Attn: FOI Officer.

### **Section 2251.302 Information To Be Provided in Requests for Records**

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Board considers unduly burdensome or categorical may be denied (see Section 3(g) of FOIA and Section 2251.402 of this Part);
- c) A statement as to the requested medium and format for the Board to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Board to use in providing the records sought: for example, inspection at Board headquarters or providing paper or electronic copies;

- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

### **Section 2251.303 Requests for Records for Commercial Purposes**

- a) It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Board.
- b) *The Board will respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
  - 1) *Provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
  - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 2251.202 or 2251.203;*
  - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
  - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Board will comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

### **SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS**

#### **Section 2251.401 Timeline for Board Response**

- a) *Except as stated in subsection (b) or (c), the Board will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods in this subsection (a), but thereafter provides the requester with copies of the requested records, it will not impose a fee for the copies. If the Board fails to respond to a request received, it will not treat the request as unduly*

*burdensome as provided under Section 2251.402. (Section 3(d) of FOIA) A written request from the Board to provide additional information shall be considered.*

- b) *The time limits prescribed in subsection (a) may be extended by the Board for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
  - 2) *The request requires the collection of a substantial number of specified records;*
  - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
  - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
  - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
  - 6) *The request for records cannot be complied with by the Board within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Board; or*
  - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Board agree to extend the period for compliance, a failure by the Board to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Board will within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Board*

*fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested records, it may not impose a fee for those copies. If the Board requests an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 2251.402. (Section 3(f) of FOIA)*

#### **Section 2251.402 Requests for Records that the Board Considers Unduly Burdensome**

- a) *The Board will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Board determines that a request is unduly burdensome, it will do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Board. The response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests for records that are unchanged or identical to records previously provided or properly denied under this Section from the same person shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

#### **Section 2251.403 Requests for Records that Require Electronic Retrieval**

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Board will retrieve and provide electronic records only in a format and medium that is available to the Board.

#### **Section 2251.404 Denials of Requests for Records**

- a) The Board will deny requests for records when:
  - 1) Compliance with the request would unduly burden the Board, as determined pursuant to Section 2251.402, and the requester has not reduced the request to manageable proportions; or
  - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 2251.202 or 2251.203 of this Part.

- b) *The denial of a request for records will be in writing.*
  - 1) *The notification shall include a description of the records denied; the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial; (Section 9(a) of FOIA)*
  - 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. The notice of denial will inform the requester of the right to review under Section 2251.406; and (Section 9(a) of FOIA)*
  - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority. (Section 9(b) of FOIA)*
- c) A requester may treat the Board's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Board has given written notice pursuant to Section 2251.401(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Board fails to act within the time periods provided in Section 2251.401. (Section 9(c) of FOIA)*

#### **Section 2251.405 Requests for Review of Denials – Public Access Counselor**

- a) As indicated in Section 9.5 of FOIA, *a person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)*
- b) *If the Board asserts that the records are exempt under Section 2251.202(a)(4) or (a)(6), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice will include:*

- 1) *A copy of the request for access to records;*
  - 2) *The proposed response from the Board; and*
  - 3) *A detailed summary of the Board's basis for asserting the exemption. (Section 9.5(b) of FOIA)*
- c) *Upon receipt of a notice of intent to deny from the Board, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Board under Section 2251.401 will be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)*
- d) *Within 7 working days after the Board receives a request for review from the Public Access Counselor, the Board will provide copies of records requested and will otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- e) *Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Board. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under Section 2251.407. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply*

*with the directive of the opinion or will initiate administrative review under Section 2251.407. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 2251.407. (Section 9.5(f) of FOIA)*

- k) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- l) *If the requester files suit under Section 2251.406 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the Board. (Section 9.5(g) of FOIA)*
- m) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Executive Director of the Board or the Board's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

### **Section 2251.406 Circuit Court Review**

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

### **Section 2251.407 Administrative Review**

*A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Board shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)*

## **SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS**

### **Section 2251.501 Inspection of Records**

- a) The Board may make available records for personal inspection at the Board's central office located at the James R. Thompson Center, 100 W. Randolph St.,

Ste. 7-701, Chicago IL 60601. No original record shall be removed from State-controlled premises except under constant supervision of the Board. The Board may provide records in duplicate forms including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs and computer disks.

- b) *When a person requests a copy of a record maintained in an electronic format, the Board shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Board will furnish it in the format in which it is maintained by the Board, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Board will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Board as soon as possible before the appointment.
- d) In order to maintain routine Board operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Board employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

### **Section 2251.502 Fees for Records**

- a) In accordance with Section 2251.503 and unless a fee is otherwise fixed by statute, the Board will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Board to reproduce records, the Board will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Board cannot copy, due to the volume of the request or the operational needs of the Board, in the timelines established in Section 2251.401, the requester may provide, at the

requester's expense, the copy machine, all necessary materials, and the labor to copy the records at the Board headquarters in the James R. Thompson Center. No original record shall be removed from State-controlled premises except under constant supervision of the Board.

- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Board may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Board will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Board, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
  - 1) The requester, rather than the Board, must contract with the contractor;
  - 2) The requester is responsible for all fees charged by the contractor;
  - 3) The requester must notify the Board of the contractor to be used prior to the scheduled on-site inspection or copying;
  - 4) Only Board personnel may provide records to the contractor;
  - 5) The Board must have verification that the requester has paid the Board, if payment is due, for the copying of the records before providing the records to the contractor; and
  - 6) The requester must provide to the Board the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

### **Section 2251.503 Reduction and Waiver of Fees**

- a) *Fees may be reduced or waived by the Board if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Board will consider the following:*
  - 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
  - 2) *Whether the principal purpose of the request is personal or commercial*

*benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*

- b) The Board will provide records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.
- c) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

**Section 2251.APPENDIX A Fee Schedule for Duplication and Certification of Records**

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

SOURCE: Adopted at 9 Ill. Reg. 7168, effective May 2, 1985; old Part repealed and new Part adopted at 24 Ill. Reg. 12717, effective August 1, 2000; old Part repealed and new Part adopted at 34 Ill. Reg. 6189, effective April 16, 2010; amended at 34 Ill. Reg., 10168, effective July 1, 2010.