

## **CHAPTER 69.5-01-04 PERMITS AND REQUIREMENTS**

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### **69.5-01-04-01. General requirements.**

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe, and enforce these rules. Furthermore, it is the duty of each officer, director, and every official and employee of said licensee to observe and enforce these rules.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

### **69.5-01-04-02. Commission offices.**

Each association shall furnish for the commission's use on the association grounds reasonable office space for the commission's use. The office shall be accessible to the public. Each office shall be equipped with telephone and internet hookups.

**History:** Effective July 1, 1989; amended effective January 1, 2008.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

### **69.5-01-04-03. Ejections.**

Associations are obligated to honor commission exclusions and to eject immediately any person found on association grounds who is under exclusion status by the commission and to report same to the commission. Whenever any association ejects any person from the premises, it shall report the ejection to the commission.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-04. Racing surfaces.**

Each racing association shall attempt to provide the following:

1. Training and racing surfaces whose construction, elevation, and surfaces have received commission approval as safe and human; provided, however, that upon proof of economic hardship and a bona fide effort to comply, exemptions to this section may be granted by the commission. Application for exemption must be in writing with notice to all interested parties;
2. Adequate and proper equipment to maintain said surfaces;
3. Sufficient trained personnel to properly operate said equipment; and
4. Daily records on the condition of each training and racing surface which must be open for public inspection.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-05. Racing times.**

A permitted association shall conduct horse racing between the hours of nine a.m. and twelve midnight, unless otherwise authorized by the commission.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-06. Number of races per performance.**

Unless otherwise permitted by the commission, no association may offer more than twelve races per performance on any one day.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-07. First race time approval.**

The association shall notify the commission of the post time of the first race of each performance.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-08. Appointment of racing officials and department heads.**

Each association shall submit to the commission at least thirty days prior to the opening day of a meeting, a complete list of the association racing officials set forth in chapter 69.5-01-03 and department heads appointed for the meeting. No person may hold any appointment for a race meeting unless approved by the commission after a determination that the appointee is qualified to perform the appointee's assigned duties, and is not prohibited by any law or rule of this state from participating in racing.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-09. Horsemen's bookkeeper.**

1. Each association shall maintain a separate bank account, to be known as the "horsemen's account", with at all times sufficient funds in such account to pay all money owing to horsemen in regard to purses, stakes, rewards, claims, and deposits. Deposits and withdrawals from this account are at all times subject to audit by the commission, and the horsemen's bookkeeper in charge of such account must be bonded in an amount determined by the commission.
2. All portions of purse money must be made available to earners thereof within forty-eight hours, Sundays excluded, after the result of the race in which such money was earned has been declared official; except, however, when the stewards or commission shall order money withheld until final adjudication of a dispute determining which persons are entitled to such money in dispute.
3. No portion of purse money other than jockey fees may be deducted by the association for itself or for another, unless so requested in writing by the person to whom such purse moneys are payable, or such person's duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting such owner's racing account at the close of each race meeting.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-10. Condition book.**

The association, at least one week prior to the opening of each meeting, shall furnish to the commission a copy of its first condition book. Additional condition books or sheets must be furnished to the commission as soon as published.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-11. Photofinish equipment.**

Each association shall utilize photofinish equipment to assist the stewards in determining the order of finish of every race.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-12. VTR and VCR equipment.**

Every association shall furnish for each race a complete videotape recording of the race. The equipment and tape must be of a reliability and quality approved by the commission and capable of replay within one minute after the end of any race. The association shall safeguard the tapes of any race in which were lodged objections, inquiries, or reports of accidents for one year from the date of the tape and make such tapes available for inspection by officials of the association and the commission.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10  
**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-13. Photograph posted.**

At least one photograph or television picture of the finish of each race must be posted conspicuously and promptly after each race.

**History:** Effective July 1, 1989.  
**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10  
**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-14. Starting gate.**

A starting gate approved by the commission must be used in starting all races. Each association shall maintain at least one operable starting gate during racing hours. The association shall also make at least one starting gate, along with adequate personnel, available for schooling for two hours each day during training hours, exclusive of nonrace days.

**History:** Effective July 1, 1989.  
**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10  
**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-15. Distance poles.**

Each association shall maintain distance poles as follows:

1/4 poles	Red and white
1/8 poles	Green and white
1/16 poles	Black and white

**History:** Effective July 1, 1989.  
**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10  
**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-16. Detention enclosure.**

Each association shall maintain a designated detention area or enclosure for use by the commission in securing from horses that have run a race, samples of urine, saliva, blood, or other bodily substances or tissues for chemical analysis. The enclosure must include a wash rack, commission veterinarian office, a walking ring, and a sufficient number of stalls each equipped with a window sufficiently large to allow the taking of the samples to be witnessed from outside the stall.

**History:** Effective July 1, 1989; amended effective January 1, 2008.  
**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10  
**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-17. Grounds' facilities, water, and sewage.**

1. Each association shall provide and maintain adequate and sanitary drinking water and toilets for all licensees, patrons, and other persons invited to the track.
2. When a race meeting is in progress, or scheduled for opening, the association shall provide systematic and effective insect control against flies, mosquitos, and other insects at all times.

3. Each association shall ensure that horses are stabled in individual box stalls with separate feeding and watering facilities; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse is kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.
4. Management is responsible that paddocks, starting gates, and other equipment subjected to contact by different animals be kept in a clean condition and free of dangerous surfaces.
5. Management shall provide isolation facilities for horses ordered isolated by the association or commission veterinarian. Approved sanitary measures must be instituted in cooperation with the state livestock sanitary board, and the commission must be kept informed.
6. Each association shall provide a conveniently located receiving area for the use of arriving horses during the meeting. The area may have adequate stable room and facilities, hot and cold water, and stall bedding. The association shall employ attendants to operate and maintain, in clean and healthy condition, the receiving area.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

#### **69.5-01-04-18. Safety and medical aid.**

Each association shall maintain on the grounds during every day that its track is open for racing or exercising, an ambulance for humans, equipped according to prevailing standards and manned by medical doctors, paramedics, or other personnel trained to operate them.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

#### **69.5-01-04-19. Helmets.**

The association may not allow any person to exercise any horse on association grounds unless that person is wearing a protective helmet of a type approved by the commission.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

#### **69.5-01-04-20. Fire protection.**

The association, in accordance with applicable state fire codes, shall prohibit, for the protection of persons and property from fire damage, the following:

1. Smoking in horse stalls, feedrooms, and under the sheds.
2. Sleeping in feedrooms or stalls.
3. Open fires and oil or gasoline burning lanterns or lamps in the stable area.
4. Leaving electrical appliances unattended or in unsafe proximity to walls, beds, or furnishings.
5. Keeping inflammable materials, including cleaning fluids or solvents, in the stable area.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-21. Stable and ground security.**

Each association shall secure the peaceful use of its grounds and stable areas to licensees and prohibit the use of the grounds to persons not authorized by license or invitation of the association. In this regard, the following rules apply:

1. The stable area must be properly fenced as defined by the commission and admission to the stables permitted only in accordance with the rules of the commission. No person may be admitted to the stable area except:
  - a. Licensees whose duties require them to be in the area and who are wearing a photographic identity badge issued by the commission and recorded in a permanent record maintained by the commission.
  - b. Temporary passholders.
    - (1) A temporary written pass will be issued by the chief of security or the chief of security's designee for the stable area, for a maximum period of forty-eight hours and a copy of the pass will be retained by the chief of track security. The form of the temporary pass must be approved by the commission.
    - (2) A temporary pass is available only to guests of the association or the commission. The term "guests" does not include any person brought to the stable area for the purpose of working in any capacity requiring a commission license except for the individuals who deliver and accompany horses to association premises on nights and weekends when the commission offices for regular licensing are closed.
    - (3) A temporary pass to enter the stable area is not an occupational license and does not permit the holder to enter a horse in a race or in any other way participate in racing.
    - (4) A temporary pass must contain at least:
      - (a) The bearer's name, address, and employer;
      - (b) The bearer's signature;
      - (c) The date and time of issuance;
      - (d) The date and time of expiration;
      - (e) The reason for issuing the pass;
      - (f) The signature of the chief of security or the chief of security's designee; and
      - (g) A pass number showing the sequence in which the pass was issued.
2. The association through its own employees or persons retained by the association shall maintain twenty-four-hour-a-day security service throughout the stable enclosure during the time horses occupy the grounds, employing such electronic, telephonic, television, and human guard personnel as are required to adequately police the grounds. Upon request, the association shall furnish to the commission a list of personnel employed in security services, giving for each such person, the person's address, employer, employer address, duties, duty station, and areas supervised.

3. The director of security of each association shall submit to the stewards a written report describing every arrest or completed incident of security investigation or real or suspected rule violation including with each such person mentioned as charged in the report, the person's name, the charges against such person, and such person's present whereabouts.
4. Each association shall maintain current records relating to security in permanent form available for commission inspection for a period of two years from the completion of the record and shall provide at the commission's request such additional information related to track security as the commission may require. All such records must be governed by open record provisions of state law.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-22. Electric timing device.**

Any electric timing device used by the association must be approved by the commission.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

**69.5-01-04-23. Judge's communication.**

The association shall provide adequate communication between the stewards and each judge's station and necessary track officials.

**History:** Effective July 1, 1989.

**General Authority:** NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

**Law Implemented:** NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10