

## CHAPTER 69.5-01-05 LICENSEES

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### **69.5-01-05-01. Licenses required.**

Every person participating in horse racing, whether as permit holder, holder of any interest in a permit, association employee, concessionaire and contract holder and the owner or general manager of same, pari-mutuel, or racing official, and all other persons, except concessionaire employees, whose duties require them to be present on association premises during racing hours, or to regularly visit such premises during racing hours, are required to have an occupational license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession, or skill. License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be re-fingerprinted or re-photographed periodically as the commission may require.

**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 53-06.2-06, 53-06.2-07, 53-06.2-08

**69.5-01-05-02. License fees.**

Each application for a license required by this chapter, or its renewal, must be accompanied by the payment of an annual fee according to the following schedule:

1.	Association license to conduct live racing	\$100.00 + \$10.00 per day of racing
2.	Trainer	\$75.00
3.	Owner, individual	\$50.00
4.	Owner-trainer (combined)	\$75.00
5.	Multiple owner	\$75.00
6.	Owner (partnership, corporation)	\$75.00
7.	Jockey/driver	\$35.00
8.	Jockey apprentice	\$35.00
9.	Jockey agent	\$35.00
10.	Authorized agent	\$25.00
11.	Stable name	\$25.00
12.	Pari-mutuel manager	\$35.00
13.	Auditor	\$15.00
14.	Calculator operator	\$10.00
15.	Totalizator operator	\$15.00
16.	Track tote fee	\$35.00
17.	Pari-mutuel employee	\$15.00
18.	Racing secretary	\$35.00
19.	Association veterinarian	\$100.00
20.	Assistant veterinarian	\$25.00
21.	Chief of security	\$10.00
22.	Director of racing/speed	\$35.00
23.	Horse identifier	\$35.00
24.	Paddock judge	\$35.00
25.	Patrol judge	\$35.00
26.	Racing secretary assistant	\$15.00
27.	Steward	\$35.00
28.	Starter	\$35.00
29.	Track superintendent	\$35.00
30.	Custodian jockey room	\$15.00
31.	Clerk of scales	\$35.00
32.	Handicapper	\$10.00
33.	Placing judge	\$15.00

34. Patrol judge	\$15.00
35. Timer	\$15.00
36. Announcer	\$15.00
37. Exercise person	\$20.00
38. Groom	\$10.00
39. Valet	\$15.00
40. Attendant	\$15.00
41. Photo manager	\$25.00
42. Outrider	\$15.00
43. Pony person	\$20.00
44. Tip sheet seller	\$10.00
45. Gate admission seller	\$10.00
46. Gate attendant	\$10.00
47. Hot walker	\$10.00
48. Office personnel	\$15.00
49. Photo employee	\$10.00
50. Security staff	\$10.00
51. Stable foreman	\$15.00
52. Others not listed (e.g., track maintenance)	\$10.00
53. Duplicate license issued to same person or entity during same year	\$10.00
54. Farrier	\$50.00
55. Site operator	New \$1,000.00 Renew \$250.00
56. Service provider	New \$7,500.00 Renew \$2,500.00
57. Totalizator companies	New \$2,500.00 Renew \$1,500.00

**History:** Effective July 1, 1989; amended effective January 1, 2008; July 1, 2011.

**General Authority:** NDCC 53-06.2-05

**Law Implemented:** NDCC 53-06.2-05, 53-06.2-06, 53-06.2-07, 53-06.2-08

**69.5-01-05-02.1. Mad scramble wager licensing fee.**

A service provider, offering the mad scramble pool in accordance with subsection 15 of section 69.5-01-08-04, shall pay an additional licensing fee of one and one-quarter percent of each mad scramble wager. The additional licensing fee shall be paid to the commission in monthly payments on or before the last day of the next month succeeding the month in which the licensing fees for the mad scramble pool wagers occurred.

**History:** Effective October 1, 2012.

**General Authority:** NDCC 53-06.2-05

**Law Implemented:** NDCC 53-06.2-05, 53-06.2-08

### **69.5-01-05-03. License acceptance.**

Acceptance of the license or permit from the commission by any permittee or licensee is deemed a consent to search and inspection by the commission pursuant to these rules, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

### **69.5-01-05-04. Recommendation by stewards.**

The commission may not issue licenses to applicants previously not licensed in this state for the following occupations listed herein, except upon prior recommendation by the stewards at the meeting: owners, trainers, jockeys, jockey agents, blacksmiths, apprentice blacksmiths, veterinarians, veterinarian assistants, horse dentists, exercise persons, stable agents, and authorized agents. The stewards, for the purpose of determining recommendation under this section, may add to their membership a representative of the association, of the horsemen, of the blacksmiths, or of the jockeys, or the commission veterinarian. The stewards may require any applicant to support such application by endorsers who may be called to testify as to the applicant's qualifications for license. The commission may renew licenses without approval of the stewards.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

### **69.5-01-05-05. Unlicensed employees.**

The employment at any association premises of any unlicensed person by an association, owner, trainer, or other licensee is prohibited. Upon discharge of any licensed person by any other licensee or permitholder for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing to the commission, including the name and occupation of the discharged licensee and the reasons for the discharge.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

### **69.5-01-05-06. Application endorsement.**

The commission may not issue any license to any association employee or to any concessionaire employee unless the application includes the prior endorsement of the employee's department head.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

### **69.5-01-05-07. Applications recommended by track security.**

All applicants for licenses not described in the foregoing sections, and including stable and track facility employees, must submit with their application to the commission the prior recommendation of the supervisor of track security.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-08. Temporary license certificate.**

1. A temporary horse owner's license certificate may be issued in emergency situations (i.e., owner out of country or seriously ill).
2. Upon submission to the commission of an affidavit setting forth the emergency by the owner's trainer, the stewards may approve the issuance of a temporary license certificate to an owner. Such temporary license certificate will be valid for a maximum of thirty calendar days from the date of issue.
3. Failure to obtain a permanent license within the designated time may result in the automatic revocation of the owner's license eligibility, and may result in a fine or suspension or both for the affiant that has failed to comply.
4. Purses may not be paid to the owner of any horse holding a temporary license certificate pursuant to the provisions of this section. Such payments are only permitted after the individual has obtained a permanent license.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-09. Ineligible license applicants.**

The commission may deny or revoke the license of any applicant or holder who:

1. Has been convicted of any of the offenses listed in this subsection, which the commission hereby determines have a direct bearing upon the applicant's or holder's ability to serve the public and present a hazard to the reputation and conduct of racing and pari-mutuel wagering, or may reasonably undermine the public confidence in the integrity of racing:
  - a. Offenses related to drugs, including, without limitation, controlled substances;
  - b. Offenses related to gambling or gaming, including bookmaking;
  - c. Offenses related to arranging the outcome of a race, or to any fraud or deception while participating in racing or pari-mutuel wagering activities;
  - d. Offenses related to representations made about any horse, ownership interest in a horse, or lease or sale of any horse;
  - e. Any felony; or
  - f. Any other offense declared by the commission to have a direct bearing upon the applicant's or holder's ability to serve the public in any specified occupation, trade, or profession which is the subject of the commission's jurisdiction.
2. Is not eighteen years of age except owners under eighteen years of age may be licensed with the permission of their legal guardians;
3. Has demonstrated a lack of financial responsibility in transactions related to racing or pari-mutuel wagering;
4. Is ineligible to participate in racing in another state or racing jurisdiction whose racing regulatory agency is recognized by and reciprocates in the actions of this state;

5. Seeks application for more than one occupational license, if in the determination of the stewards, the holding of the two licenses would subject the applicant to a conflict of interest in those two licensed activities;
6. Is employed in any part-time or full-time employment with a government or private employer in any work in which a conflict exists with the interests and objectives of a licensed employment;
7. Has been denied patron privileges by order of the commission and has not been reinstated;
8. Supplies false information in the application; or
9. Is not of good moral character.

**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 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-10. Duration of license.**

1. Licenses issued by the commission must be for a period of one year or such other period of time greater than one year as permitted by the commission.
2. The commission may also issue a license good for one racing season at a pari-mutuel facility.

**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 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-11. Workers' compensation.**

All owners and trainers shall carry workers' compensation insurance covering all their employees. This section is intended to include all individuals employed by owners and trainers involved in the training and racing of horses.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-12. Best effort.**

All licensed personnel are expected to give their best efforts to win in all races in which they participate, and any instructions or advice to the jockey, or any riding or handling of their mounts other than for the purpose of winning are forbidden.

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

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

**Law Implemented:** NDCC 53-06.2-06, 53-06.2-07, 53-06.2-08

#### **69.5-01-05-13. Prohibited practices.**

The following practices by licensees are prohibited:

1. Giving or offering, directly or indirectly, a bribe in any form to any person licensed by the commission to violate these rules or the laws of this state related to racing.
2. Soliciting or offering to accept, directly or indirectly, a bribe in any form by a person licensed by the commission to violate these rules or the laws of this state related to racing.
3. Failing as a licensee to report any bribe or solicitation as in subsections 1 and 2.

4. Soliciting by any licensee except the association of bets by the public.
5. Improperly influencing or attempting to improperly influence the results of a race or combining with any person or conspiring to combine with any person to improperly influence or attempt to improperly influence the results of a race.
6. Entering or starting a horse known or believed to be ineligible or disqualified.
7. Offering or receiving money or other benefit for withdrawing a horse from a race.
8. Making a wager for a jockey by any person except the jockey's owner or trainer.
9. An owner or trainer making a wager for a jockey on a horse other than that ridden by the jockey. This may not be construed to include bets on another horse in combination with such owner's or trainer's own in multiple wagering bets.
10. Offering or giving a jockey money or other benefit concerning a race, except by the owner or trainer of the horse to be ridden.
11. Possessing any electrical or mechanical device designed to increase or decrease the speed of a horse during a race, other than an ordinary riding whip.
12. Bookmaking, which is the taking or receiving of a wager upon the result of any horse race of which betting is being conducted by any association licensed by the commission, except through the regular betting windows and facilities provided by the association.
13. Purchasing any ticket or share of a pari-mutuel pool for another, for hire or anything of value.
14. The giving under oath of any false statement or the refusing to testify after proper notice to the commission about any matter regulated by the commission, except in the exercise of a lawful privilege.
15. Subjecting an animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise or shelter, or by neglect or intentional act cause a horse to suffer unnecessary pain.
16. Permitting a horse to start a race unless the horse has been officially tattooed for identification under the upper lip. A horse which is not tattooed may be allowed to race if all the following requirements are met:
  - a. A tattooer is unavailable as determined by the chief steward.
  - b. Before post time the horse is inspected by the chief steward and the commission veterinarian.
  - c. Before post time the chief steward and commission veterinarian certify the horse's identity to the racing secretary and the horse identifier.
17. Giving false, misleading, or inaccurate information about a horse's performance for publication in a printed program or racing publication.
18. In addition to any of the foregoing prohibited practices, any person who commits an act on the grounds of any pari-mutuel facility which is patently contrary to the best interest of racing or which is in violation of a criminal statute of the United States or of this state and classified as a felony, is subject to administrative action including license revocation, suspension, fine, or deprivation of patron privileges.

19. Disorderly or offensive conduct that breaches the public peace or use of profane, obscene, or indecent language so as to be heard by another or offer such prohibited conduct to any representative of the commission or the association.
20. Possession, carrying or exhibiting a deadly weapon, or otherwise disturbing the peace on the premises of any permittee. This rule does not prohibit the carrying of a weapon by any duly authorized law enforcement officer or licensed security personnel engaged in their duties.
21. Possessing in any pari-mutuel wagering area of any association any alcoholic beverage unless the beverage is purchased on the premises.
22. Possessing any equipment for hypodermic injection, any substance for hypodermic administration or any foreign substance which can be administered internally to a horse by any route, except for an existing condition and as prescribed by a veterinarian. The supply of such prescribed foreign substances shall be limited by ethical practice consistent with the purposes of this section. Notwithstanding the provisions of this subsection, any person may possess within a racetrack enclosure any chemical or biological substance for such person's own use, provided that if such chemical substance is prohibited from being dispensed by any federal law or the law of this state without a prescription, such person is in possession of documentary evidence that a valid prescription for such chemical or biological substance has been issued to that person. Notwithstanding the provisions of this subsection, any person may possess within any racetrack enclosure any hypodermic syringe or needle for the purpose of administering a chemical or biological substance to such person, provided that such person has notified the state steward:
  - a. Of such person's possession of such device;
  - b. Of the size of such device; and
  - c. Of the chemical substance to be administered by such device, and has obtained written permission for possession and use from the state steward.

**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

#### **69.5-01-05-14. Alcohol and drug testing.**

##### **1. Alcohol prohibition or breathalyzer test.**

- a. No licensee or employee of any entity associated with the conduct of racing, while on the grounds of a licensed premises or racetrack may have a blood alcohol concentration of five one-hundredths of one percent by weight, nor may such persons be in any manner impaired by or under the influence of alcoholic beverages.
- b. Acting with reasonable cause, the stewards or a designated racing commission representative may direct any such licensee or employee to submit to a breathalyzer or intoxolizer test or of a test of such person's blood. Such licensee or employee shall, when so directed, submit to such examination. If the results thereof show a reading of five one-hundredths of one percent alcohol content or more by weight, such licensee or employee may not be permitted to continue such licensee's or employee's duties for that day. Such licensee or employee shall also be subject to fine, or suspension, or other discipline by the stewards or the commission.
- c. For a subsequent violation such licensee or employee may be subject to procedures following positive chemical analysis, as set out in subsection 3.



- d. Any licensee who refuses to submit to such test when duly requested to submit to such blood test as set out in this section may be subject to discipline by the stewards and by the commission.

**2. Drug prohibition or body fluid test.**

- a. No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised racetrack shall have present within the licensee's or employee's system any controlled substance as defined in North Dakota Century Code chapter 19-03.1 or any prescription legend drug unless such prescription legend drug was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of such physician's professional practice.
- b. Acting with reasonable cause, the stewards or a designated commission representative may direct any such licensee or employee to deliver a specimen of urine in the presence of the track physician or subject the licensee or employee to the taking of a blood sample or other body fluids by the track physician or other duly licensed physician appointed by the commission.
- c. In such cases, the stewards or the designated commission representative may prohibit such licensee or employee from participating in the day's racing or until such time as such licensee or employee evidences a negative test result.
- d. Sufficient sample should be collected to ensure a quantity for a split sample when possible.
- e. Refusal by such a licensee or employee to provide the samples described in this section, as so directed, is a violation of these rules and shall subject such licensee or employee to sanction by the stewards or the commission.
- f. All testing must be at the expense of the commission.

**3. Procedures following positive chemical analysis.**

- a. For a licensee's or employee's first violation such licensee or employee may not be allowed to participate in racing until such time as a licensee's or employee's condition has been professionally evaluated by an appropriate health care professional.
  - (1) After such professional evaluation, if such licensee's or employee's condition is found by the evaluator or the commission to be nonaddictive and not detrimental to the best interest of racing, such licensee or employee will be allowed to participate in racing provided such person can produce a negative test result and agrees to further testing at the discretion of the stewards or designated commission representative to ensure unimpairment.
  - (2) After such professional evaluation, should such licensee's or employee's condition be found by the evaluator or the commission to be addictive or detrimental to the best interest of racing, such licensee or employee will not be allowed to participate in racing until such time as such person can produce a negative test result and show documented proof that such person has successfully completed a certified alcohol or drug rehabilitation program approved by the racing commission. The licensee or employee must agree to further testing at the discretion of the stewards or racing commission representative to ensure the licensee's or employee's unimpairment.
- b. For a licensee's or an employee's second violation, a licensee or an employee must be suspended and allowed to enroll in a certified alcohol or drug rehabilitation program

approved by the commission, and may apply for reinstatement only at the discretion of 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

**69.5-01-05-15. Veterinarians.**

1. Every veterinarian practicing on association premises must be:
  - a. Currently licensed by the state board of veterinary medical examiners; and
  - b. Licensed by the commission.
2. The following restrictions and duties apply to veterinarians licensed by the commission:
  - a. A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.
  - b. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other things of value, directly or indirectly, on the outcome of any race conducted at the meeting at which such veterinarians are furnishing professional service.
  - c. No veterinarian, within the association grounds, may deliver, furnish, sell, or loan any hypodermic syringe, needle, or other injection device, or without limitation, any drug, narcotic, controlled substance, or other prohibited substance, to any other person within the grounds of an association where racehorses are stabled unless with written permission of the stewards.
  - d. The use of other than single-use disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe, such veterinarian shall destroy the needle and syringe and remove it from the association premises.
3. A licensed veterinarian who prescribes or administers any medication or treatment to a horse which the veterinarian considers could affect the racing condition of the horse shall furnish immediately to the horse's trainer and to the stewards a written statement setting forth the name of the horse, its owners, the type of drug or medication prescribed or administered, and the date of the administration or prescription.
4. Every licensed veterinarian practicing on association premises shall maintain records showing all medications purchased or otherwise obtained, and for each horse treated, the name of the horse and its owner, the medication, its method of administration, and its date of administration. Veterinarians shall retain duplicate copies of bills or statements to trainers or owners which must be retained for at least three years and made available to the commission upon request.
5. Each veterinarian shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted into the veterinarian's care presenting unusual or unknown symptoms.

**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, 53-06.1-05, 53-06.1-10

**69.5-01-05-16. Licensing requirements for multiple owners.**

1. If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate, or other association or entity, each shareholder, member, or partner holding a five percent or greater beneficial interest shall be licensed as required in this rule.
2. Each partnership, corporation, limited liability company, syndicate, or other association or entity shall disclose to the commission all owners holding a five percent or greater beneficial interest, unless otherwise required by the commission.
3. Each partnership, corporation, limited liability company, syndicate, or other association or entity which includes an owner with less than a five percent ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.
4. To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards. In the event that no owner has greater than a five percent ownership or beneficial interest in a horse, no less than one owner shall be licensed by the commission.
5. Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.
6. The written appointment of a managing owner or authorized agent shall be filed with the commission.

**History:** Effective July 1, 1989; amended effective January 1, 2015.

**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

**69.5-01-05-17. Owners - General partnership.**

Repealed effective January 1, 2015.

**69.5-01-05-18. Owners - Limited partnership.**

Repealed effective January 1, 2015.

**69.5-01-05-19. Applicable horsemen's organization.**

Each owner must be licensed by the applicable horsemen's organization.

**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

**69.5-01-05-20. Stable names.**

1. Licensed owners and lessees may adopt stable farm, racing, or corporate names, if registered with the applicable horsemen's organization and the commission.

2. Applications must include the identity or identities of all persons interested in the ownership of the name. After registration by the commission, changes in identities of owners of the stable name must be reported immediately to and approved by the commission.
3. A trainer who is a licensed owner or a part owner may use a stable name in that person's capacity as owner or part owner but a trainer may be licensed as a trainer only in the trainer's legal name.
4. Any person registered under a stable name may cancel the stable name by giving written notice to the commission. A stable name may be changed by registering the new name with the commission.
5. No person may register as the person's stable name one which has already been registered by another person with any other racing authority, which is the real name of another owner or owners of racehorses, which is the real or stable name of any prominent person who does not own racehorses, which is not plainly distinguishable from that of another registered stable name, or which the stewards determine is being used to advertise any product or service.

**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

#### **69.5-01-05-21. Leases.**

1. No licensee may lease a horse for the purpose of racing at tracks in this state without prior approval of the stewards.
2. Both lessor and lessee entering into such a lease must be licensed by the commission prior to engaging in any activity related to horse racing.
3. Each licensee who leases a horse at any meeting shall submit a copy of that lease to the stewards. The lease must contain at least all of the conditions of the lease arrangement and the names of all parties and horses related to the lease. The failure to submit accurate and complete information under this rule is a violation of these rules. The stewards shall immediately forward a copy of the lease to the commission.
4. An eligibility certificate must be issued by the applicable horsemen's organization for each lessee before any horse under lease is permitted to race.
5. When any lessor of a horse is a corporation, syndicate, partnership, or other entity of multiple interests, it shall furnish to the commission, under oath, the identification of its stockholders, members, partners, or other interested persons and such other information as the commission may require.

**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

#### **69.5-01-05-22. Racing colors.**

Colors, provided by the owners and approved by the stewards of the meeting, must be utilized during racing competition. Colors may be used by the association which correspond with post position colors.

**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

#### **69.5-01-05-23. Registration of horses.**

No owner may participate in racing nor stable any horse on association premises unless each horse in the owner's charge is registered with the racing secretary of the association showing for each horse the name, color, sex, age, breeding, and ownership. At registration, the applicable horsemen's organization eligibility certificate for each horse must be presented and evidence of registration of each horse with the applicable horsemen's organization.

**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

#### **69.5-01-05-24. Transfer of horses.**

Each transfer of horse ownership at a meeting must be approved by the stewards, recorded with the applicable horsemen's organization and promptly reported to the racing secretary and the commission.

**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

#### **69.5-01-05-25. Change of trainer.**

No owner may change the trainer of the owner's horse unless by written notice to and the approval of the stewards of the meeting. The stewards will advise the racing secretary of the change and the racing secretary shall require the new trainer to sign the trainer's name on the owner's registration.

**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

#### **69.5-01-05-26. Prohibited acts.**

1. No owner may employ in this state a veterinarian who is not licensed by both the state board of veterinary medicine examiners and the commission.
2. No owner may enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state related to racing.
3. A trainer may represent the owner of a horse in making entry of a horse in a race, or declaring the horse out of a 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

#### **69.5-01-05-27. Trainers.**

The following restrictions and duties apply to trainers.

1. No person may hold a trainer's license unless the trainer:
  - a. Is at least eighteen years old;
  - b. Is qualified, in the opinion of the stewards, by reason of experience, background, and knowledge of racing as manifested by:

- (1) Passing a written examination administered by the stewards; and
    - (2) Passing of a "barn test" administered by a horsemen's representative under the supervision of the stewards.
  - c. Has complied with the provisions of the state workers' compensation law and has secured compensation for the trainer's employees in accordance with that law; and
  - d. Has applied for a trainer's license in the trainer's legal name, and not under any fictitious or stable name.
2. The commission in considering whether to license a trainer in this state may consider the licensure of the trainer currently licensed or registered in another state that is a member of the national association of state racing commissioners.
  3. The trainer is responsible for and is the absolute insurer of the condition of the horses in the trainer's care and custody and for the conditions and contents of stalls, tack rooms, feedrooms, sleeping rooms, and other areas which have been assigned by the association to the trainer. The trainer is the absolute insurer of the condition of the horses in the trainer's care and custody during the race and is liable for the presence in the trainer's horse during the race of any drug, medication, or any other prohibited substance. A trainer whose horse has been claimed remains responsible for the horse under this section until after the collection of urine or blood specimens as may be required.
  4. Each trainer shall report immediately to the stewards and the commission veterinarian any illness in the horse entrusted into the trainer's care presenting unusual or unknown symptoms. Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the foal certificate.
  5. A trainer or the trainer's assistant must be present with the trainer's horse in the paddock and shall supervise the saddling of the horse unless the stewards permit a substitute trainer to perform those duties. Every trainer who brings a horse to the paddock warrants that the horse is qualified for the race, ready to run and in physical condition to exert its best efforts, and entered with the intention to win.
  6. A trainer shall present the trainer's horse in the paddock at least twenty minutes before post time of the race in which the horse is entered.
  7. The following prohibited acts apply to trainers:
    - a. No trainer may enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state related to racing.
    - b. No trainer may employ a veterinarian who is not licensed by both the state board of veterinary medicine examiners and the commission.
    - c. No trainer may employ any person under the age of sixteen.
    - d. No trainer may employ a jockey for the purpose of preventing the jockey from riding in any race.
    - e. No trainer may train or be responsible for any horse which is wholly or partly owned by a person under suspension by the stewards or the commission.
  8. A trainer is responsible for the condition of a horse trained by the trainer and entered in an official workout or race. A trainer is responsible for the presence of a prohibited drug,

medication, or substance in a horse trained by the trainer. A trainer is responsible for the presence of a permitted drug, medication, or substance in excess of the maximum allowable level in a horse trained by the trainer. A report, by a laboratory approved by the commission, is prima facie evidence of the presence of a prohibited drug, medication, or substance. A report, by a laboratory approved by the commission, is prima facie evidence of the presence of a permitted drug, medication, or substance in excess of maximum allowable level.

9. A trainer whose horse has been claimed remains responsible for any violations of rules regarding that horse's participation in the race in which the horse is claimed.
10. The trainer is responsible for maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
11. Additionally, with respect to horses in a trainer's care or custody, the trainer is responsible for:
  - a. The proper identity, custody, care, health, condition, and safety of the horses;
  - b. Ensuring that at the time of arrival at locations under the jurisdiction of the commission a valid health certificate and a valid negative equine infectious anemia test certificate accompany each horse and which, where applicable, shall be filed with the racing secretary;
  - c. Having each horse in the trainer's care that is racing, or is stabled on association grounds, tested for equine infectious anemia in accordance with state law and for filing evidence of such negative test results with the racing secretary;
  - d. Using the service of those veterinarians licensed by the commission to attend horses that are on association ground;
  - e. Immediately reporting the alteration of the sex of the horse to the horse identifier and the racing secretary;
  - f. Promptly reporting to the racing secretary and the official veterinarian when a posterior digital neurectomy is performed and ensuring that such fact is designated on its certificate of registration;
  - g. Promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in the trainer's charge;
  - h. Promptly reporting the serious injury or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;
  - i. Maintaining a knowledge of the medication record and status;
  - j. Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug, or substance;
  - k. Ensuring the fitness to perform credibly at the distance entered;
  - l. Ensuring that every horse entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in this chapter;
  - m. Ensuring proper bandages, equipment, and shoes;
  - n. Presence in the paddock at least twenty minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

- o. Personally attending the paddock and supervising the saddling thereof, unless excused by the stewards; and
  - p. Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.
12. A trainer may represent the owner of a horse in making entry of a horse in a race, or declaring the horse out of a race.

**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

**69.5-01-05-28. Authorized agent.**

- 1. Authorized licensees and their appointments by the owner expire at the end of the license year unless earlier revoked by the owner, the stewards, or the commission. An owner may appoint only one person at a time to act as the owner's authorized agent. After the appointment, the acts of the agent must be deemed the acts of the owner.
- 2. The stewards shall approve the appointment of authorized agents by endorsing that fact on the authorized agent appointment documents submitted to them and shall verify the validity of the agent's license before approving the appointment. If the authorized agent appointment is for a partnership or stable name, each of the owners of the partnership or stable name shall execute the appointment of agent written authority.

**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

**69.5-01-05-29. Jockeys and apprentice jockeys.**

**1. Eligibility.**

**a. Jockeys.**

- (1) No person under sixteen years of age will be licensed by the commission as a jockey.
- (2) The stewards may require that any jockey pass a physical examination and may refuse to allow any jockey to ride until such jockey successfully completes such examination.
- (3) A jockey may not be an owner or trainer of any racehorse.
- (4) A license may not be granted until the applicant has successfully completed two rides under a provisional license of the commission and has been approved by the starter.
- (5) Whenever a jockey from a foreign country, excluding Mexico and Canada, rides in the United States, such jockey must declare that he or she is a holder of a valid license and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet to the commission. The sheet must state:
  - (a) That the jockey is the holder of a valid license to ride;
  - (b) That the jockey is not currently under suspension; and



(c) That the jockey agrees to be bound by the rules of the commission.

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

b. Apprentice jockeys.

(1) A contract with a horse owner to provide apprentice jockey services, or an apprentice certificate from the stewards must be presented to the commission to be licensed.

(2) The conditions in subdivision a of subsection 1 with regard to jockeys also apply to apprentice jockeys.

**2. Jockeys' fees.**

a. Track management shall have the authority to set the jockey mount fee.

b. Schedule. The minimum fee to jockeys must be in all races as follows:

Purse	Win	2nd	3rd	Unplaced
\$400 and under	\$27	\$19	\$17	\$16
\$500	30	20	17	16
\$600	36	22	17	16
\$700 - \$900	10%	25	22	20
\$1,000 - \$1,400	10%	30	25	22
\$1,500 - \$1,900	10%	35	30	28
\$2,000 - \$3,400	10%	45	35	33
\$3,500 - \$4,900	10%	55	45	35
\$5,000 - \$9,900	10%	65	50	40
\$10,000 - \$14,900	10%	5%	5%	45
\$15,000 - \$24,900	10%	5%	5%	50
\$25,000 - \$49,900	10%	5%	5%	60
\$50,000 - \$99,900	10%	5%	5%	75
\$100,000 and up	10%	5%	5%	100

c. Entitlement. Any apprentice or contract jockey is entitled to the regular jockey fees, except when riding a horse owned in part or solely by such jockey's contractholder. An interest in the winnings only (such as trainer's percent) does not constitute ownership.

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

- e. Multiple engagements. If any owner or trainer engages two or more jockeys for the same race, the owner or trainer is required to pay each of the jockeys whether the jockey rides in the race or not.
  - f. Dead heats. Jockeys finishing a race in a dead heat shall divide equally the totals they individually would have received had one jockey won the race alone. The owners of the horses finishing in the dead heat shall pay equal shares of the jockey fees.
3. **Apprentice subject to jockey rules.** Unless excepted under these rules, apprentice jockeys are subject to all commission rules governing the conduct of jockeys and racing.
4. **Apprentice allowances.**
- a. An apprentice jockey shall ride with a five-pound weight allowance beginning with the apprentice jockey's first mount and for one full year from the date of the apprentice jockey's fifth winning mount.
  - b. If after riding one full year from the date of the apprentice jockey's fifth winning mount, the apprentice jockey has failed to ride a total of forty winners from the date of the apprentice jockey's first winning mount, the apprentice jockey shall continue to ride with a five-pound weight allowance for one more year from the date of the apprentice jockey's fifth winning mount or until the apprentice jockey has ridden a total of forty winners, whichever comes first.
  - c. If an apprentice jockey is unable to ride for a period of fourteen consecutive days or more after the date of the apprentice jockey's fifth winning mount because of service in the armed forces of the United States of America, or because of physical disablement, the commission may extend the time during which such apprentice weight allowance may be claimed for a period not to exceed the period such apprentice jockey was unable to ride.
5. **Conduct.**
- a. Clothing and appearance. A jockey shall wear the standard colors for the post position of the horse the jockey is riding, except as otherwise ordered or permitted by the commission or stewards, and shall also wear the number of the saddlecloth corresponding to the number given in the racing program. A jockey shall maintain a neat and clean appearance while engaged in the jockey's duties on association premises and shall wear a clean jockey costume, cap, helmet (as approved by commission), a jacket, breeches, and top boots.
  - b. Competing against contractor. No jockey may ride in any race against a starting horse belonging to the jockey's contract employer unless the jockey's mount and the contract employer's horse are both trained by the same trainer.
  - c. Competing against spouse. No jockey may compete in any race against any horse which is owned or trained by the jockey's spouse.
  - d. Confined to jockey room. A jockey who is engaged to ride a race shall report to the scaleroom on the day of the race at the time designated by association officials. The jockey shall then report the jockey's engagements and any overweight to the clerk of scales. Thereafter, the jockey may not leave the jockey room except by permission of the stewards, until all of the jockey's riding engagements of the day have been fulfilled. Once a jockey has fulfilled the jockey's riding assignments for the day and has left the jockey's quarters, the jockey may not be readmitted to the jockey's quarters until after the entire racing program for that day has been completed, except upon permission of the stewards. A jockey is not allowed to communicate with anyone but the trainer or the jockey's agent while the jockey is in the room during the performance except with

- approval of stewards. On these occasions, the jockey should be accompanied by a security guard.
- e. Jockey betting. A jockey may only be allowed to wager on a race in which the jockey is riding if:
    - (1) The jockey's owner or trainer makes the wager for the jockey; and
    - (2) The jockey only wagers on his or her own mount to win or in combination with other horses in multiple bets.
  - f. Whip prohibited. No jockey may use a whip on a two-year-old horse before April first of each year.
  - g. Spurs prohibited. No jockey may use spurs.
  - h. Possessing drugs or devices. No jockey may have in the jockey's care, control, or custody any drugs or prohibited substances or any electrical or mechanical device that could affect a horse's racing performance.
6. **Jockey effort.** A jockey shall exert every effort to ride the jockey's horse to the finish in the best and fastest run of which the horse is capable. No jockey may ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.
7. **Duty to fulfill engagements.** Every jockey shall fulfill such jockey's duly scheduled riding engagements, unless excused by the stewards. No jockey may be forced to ride a horse the jockey believes to be unsound, nor over a racing strip the jockey believes to be unsafe, but if the stewards find a jockey's refusal to fulfill a riding engagement is based on personal belief unwarranted by the facts and circumstances, such jockey may be subject to disciplinary action. The jockey is responsible to the jockey's agent for any engagements previously secured by said agent.
8. **Riding interference.**
- a. Interference. When the way is clear in a race, a horse may be ridden to any part of the course, but may not weave nor cross in front of other contenders so as to interfere with their course or threaten their safety.
  - b. Jostling. No jockey may jostle another horse or jockey. No jockey may strike another horse or jockey or ride so carelessly as to cause injury or possible injury to another horse in the race.
  - c. Partial fault - Third party interference. If a horse or jockey interferes with or jostles another horse, the aggressor may be disqualified, unless the interfered or jostled horse or jockey was partly at fault or the infraction was wholly caused by the fault of some other horse or jockey.
9. **Jockey weighed out.**
- a. A jockey must wear a safety vest when riding in any official race. A safety vest shall weigh no more than two pounds [.907 kilogram] and be designed to provide shock-absorbing protection to the upper body of at least a rating of five as defined by the British equestrian trade association.
  - b. Each jockey must be weighed for his or her assigned horse not more than thirty minutes before the time fixed for the race. Any jockey weighing more than four pounds over the

highest weight stated in the published conditions may be weighed only once prior to the first scheduled race.

- c. A jockey's weight must include his or her clothing, saddle, girth, pad, and saddle cloth.
  - d. A jockey's weight does not include the number cloth, whip, head number, bridle, bit or reins, blinkers, helmet, tongue strap, tongue tie, muzzle, hood, noseband, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.
10. **Overweight limited.** No jockey may weigh more than two pounds [0.91 kilograms] over the weight the jockey's horse is assigned to carry unless with consent of the owner or trainer and unless the jockey has declared the amount of overweight to the clerk of the scales at least forty-five minutes before the start of the race. All weights over published conditions must be announced to the public.
11. **Weigh in - Unsaddling.** Upon completion of a race, each jockey shall ride promptly to the winners circle and dismount. The jockey shall then present himself or herself to the clerk of scales to be weighed in. If a jockey is prevented from riding his or her mount to the winner's circle because of accident or illness either to the jockey or to the jockey's horse, the jockey may walk or be carried to the scales unless excused by the stewards.
- a. Unsaddling. Each jockey upon completion of a race shall return to the winner's circle and shall unsaddle his or her horse, unless excused by the stewards.
  - b. Removing horse's equipment. No person except the valet-attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in, each jockey shall carry to the scales all pieces of equipment with which the jockey weighed out. Thereafter, the jockey may hand the equipment to the valet-attendant.
  - c. Underweight. When any horse places first, second, or third in a race, or is coupled in any form of multiple exotic wagering, and thereafter the horse's jockey is weighed in short by more than two pounds [0.91 kilograms] of the weight of which the jockey was weighed out, the jockey's mount may be disqualified and all purse moneys forfeited.
  - d. Overweight. No jockey may be weighed in more than two pounds [0.91 kilograms] over the jockey's declared weight, but consideration must be given for excess weight caused by rain or mud. If the jockey is overweight, the jockey's mount may be disqualified and all purse moneys forfeited.
12. **Contracts.**
- a. Jockey contracts. A jockey may contract with an owner or trainer to furnish jockey services whenever the owner shall require, and in that event a jockey may not ride or agree to ride in any race for any other person without the consent of the owner or trainer to whom the jockey is under contract.
  - b. Apprentice contracts and transfers.
    - (1) Owners or trainers and apprentices who are parties to contracts for apprentice jockey services shall file a copy of the contract with the commission, upon forms approved by the commission, and shall, upon any transfer, assignment, or amendment of the contract, immediately furnish a copy thereof to the commission.
    - (2) No apprentice jockey may ride for a licensed owner or agent unless with the consent of the apprentice's contract employer.

- c. Contract condition. No person other than an owner, trainer, jockey agent, or authorized agent of an owner in good standing may make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his or her own engagements.
13. **Jockey fines and forfeitures.** A jockey shall pay any fine or forfeiture from the jockey's own funds within forty-eight hours of the imposition of the fine or forfeiture. No other person may pay jockey fines or forfeitures for the jockey.
  14. **Competing claims.** Whenever two or more licensees claim the services of one jockey for a race, first call shall have priority and any dispute must be resolved by the stewards.
  15. **Jockey suspension.**
    - a. Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception of the public or another participant in racing shall begin immediately after the ruling unless otherwise ordered by the stewards or commission.
    - b. Offenses not involving fraud. Suspension for an offense not involving fraud or deception of the public or another participant in racing shall begin on the third day after the ruling.
    - c. Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission must be deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the stewards why such withdrawal should not be deemed frivolous.
  16. **Association valet-attendant.** No jockey may have a valet-attendant except one provided and paid for by the association.
  17. **Jockey agent.**
    - a. No jockey may have more than one agent.
    - b. All engagements to ride other than those for the jockey's contract employer must be made by the agent.
    - c. No revocation of a jockey's agent authority is effective until the jockey notifies the stewards in writing of the revocation of the agent's authority.

**History:** Effective July 1, 1989; amended effective January 1, 2008; April 1, 2018.

**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

**69.5-01-05-30. Jockey agent.**

1. **Eligibility.** No person may act as a jockey's agent unless such person has first demonstrated to the stewards that such person has a contract for agency with at least one jockey and has been licensed by the commission.
2. **Limit on contract.** No jockey agent may serve as agent for more than two jockeys. No jockey agent may make or assist in making any riding engagement for a jockey with whom the agent has no contract.
3. **Agent's record.**

- a. All jockey agents must have in their possession at all times engagement books approved by the stewards, and all engagements made for jockeys by agents must be recorded in said books. Books are subject to examination by the stewards at all times.
  - b. When an owner or trainer engages the services of a jockey through a jockey agent, he or she shall obtain a card from the jockey agent specifying thereon whether or not he or she has first or second call on the services of the jockey. Such calls must be declared at the time of entry.
  - c. Before each day's entries are taken, jockey agents are required to file their first, second, and third calls in each race in the racing secretary's office with a person designated by the stewards. If during the time the entries are being taken, a jockey agent should lose or pick up a call, the jockey agent shall immediately add these calls to the ones previously filed.
  - d. No jockey agent may falsify the jockey agent's records.
4. **Agent withdrawal.** When any jockey agent withdraws from the jockey agent's representation of a jockey, the jockey agent shall immediately notify the stewards and shall submit to the stewards a list of any unfilled engagements the jockey agent has made for the jockey. No jockey agent may be permitted to withdraw from the representation of any jockey unless advance written notice to the stewards has been provided.
  5. **Agent's contract filed.** No jockey agent's contract with a jockey or apprentice jockey, nor any assignment of that contract, is effective unless filed with the stewards.
  6. **Prohibited areas.** A jockey agent is prohibited during racing hours from being present in the paddock, the winner's circle, or the saddling enclosure, unless permitted by the stewards.

**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