

# TEXAS RACING COMMISSION

## Laws and Rules Governing Pari-Mutuel Racing in Texas

### List of Replacement Pages

October 19, 2015

**Important Disclaimer:** The information presented here is offered as a convenience to the public and every effort has been made to ensure its accuracy. However, under state law, this does not constitute the official source for the Texas Racing Act or the Texas Racing Commission's rules. **The official source for the Commission's rules is the Texas Administrative Code, compiled and maintained by the [Texas Secretary of State's office \(www.sos.state.tx.us\)](http://www.sos.state.tx.us).**

The current rulebook of the Texas Racing Commission consists of the Rulebook dated JANUARY 2013 and the following:

- List of Replacement Pages dated 10/1/2013
- List of Replacement Pages dated 7/1/2014
- List of Replacement Pages dated 10/1/2014
- List of Replacement Pages dated 12/1/2014
- List of Replacement Pages dated 10/19/2015 (Except as noted, all changes are effective 10/19/2015.)

#### TEXAS RACING ACT

Pp. 63 - 64            Amendment – Sec. 18.01 Application of Sunset Act

#### RULES OF RACING

Pp. 73 – 74            Rules of Racing Table of Contents update

Pp. 89 - 90            typo correction

Pp. 99 - 100            typo correction

Pp. 105 - 106            Chapter Table of Contents update

Pp. 117 - 120            Chapter Table of Contents update

Pp. 166-A -166-B      *New Rule* - Sec. 309.365 Breakage

Pp. 167 - 168            Chapter Table of Contents update

Pp. 169 - 170            *Amendment* - Sec. 311.1 Occupational Licenses, *eff. 11/2/2015*

Pp. 171 - 172            typo correction

Pp. 173 - 182            *Amendment* - Sec. 311.101 Horse Owners

*Amendment* - Sec. 311.102 Greyhound Owners

*Amendment* - Sec. 311.104 – Trainers, *eff. 11/2/2015*

Pp. 185 - 186-B        *Amendment* - Sec. 311.216 Conduct in Stable Area

*New Rule* - Sec. 311.218 Safety Equipment

Pp. 203 – 204            *Amendment* - Sec. 313.110 Coupled Entries, *eff. 11/2/2015*

Pp. 211 – 212            *Amendment* - Sec. 313.405 Whips and Other Equipment

*Amendment* - Sec. 313.406 Colors and Numbers

Pp. 221 - 222            Chapter Table of Contents update

Pp. 231 - 232            *Amendment* - Sec. 315.111 Schooling

Pp. 237 - 238            *Amendment* - Sec. 319.1 Purpose and Definitions

Pp. 255 - 258            Chapter Table of Contents update

Pp. 293 - 294            *New Rule* - Sec. 321.322 Triple Trifecta, *eff. 11/2/2015*

Pp. 309 - 310            Index update

Pp. 323 - 324            Index update

Pp. 329 - 330            Index update

Pp. 339 - 340            Index update

Pp. 347 - 348            Index update

To maintain an updated rulebook, the above pages should be replaced. The Act, the Rules, and revisions are available on the agency's website at [www.txrc.texas.gov](http://www.txrc.texas.gov) or email [info@txrc.texas.gov](mailto:info@txrc.texas.gov) to request a copy. Notification of revisions may be received by providing an email address to [info@txrc.texas.gov](mailto:info@txrc.texas.gov). Please type **Rulebook Updates** in the subject line.

*This space intentionally left blank.*

## TEXAS RACING ACT

nor later than 10 days after receipt of the order and motion, as the court may direct, and show cause why the motion should not be granted. The maximum bond that the court may set is \$100,000 for contests of elections for tracks to be located in a county that has a population of 1.3 million or more and in which a municipality with a population of more than one million is primarily located. The maximum bond that the court may set is \$10,000 for contests of elections for tracks to be located in any other county. Motions with respect to more than one contestant may be heard together if so directed by the court. Unless at the hearing on the motion the contestant establishes facts that in the judgment of the court would entitle the contestant to a temporary injunction against the issuance of licenses on the basis of the election in question, the court shall grant the motion of the movant and in its order the court shall fix the amount of the bond to be posted by the contestant in an amount found by the court to be sufficient to cover all damages and costs that may accrue by reason of the delay that will be occasioned by the continued participation of the contestant in the proceedings in the event that the contestant fails to prevail and obtain substantially the judgment prayed for in its petition.

### **Sec. 16.15. Contest of Election; Appeal.**

Any party to the cause who is dissatisfied with an order or judgment entered under Section 16.13 of this Act may appeal to the appropriate court of appeals after the entry of the order or judgment; otherwise the order or judgment becomes final. If such a party does not file an appeal not later than the 30th day after the date on which the result of the election is declared, it is presumed that the election is valid. Any appeal has priority over all other cases, causes, or matters pending in the court of appeals, except habeas corpus, and the court of appeals shall assure the priority and act on the matter and render it final order or judgment with the least possible delay. The supreme court may

review by writ of error or other authorized procedure all questions of law arising out of the orders and judgments of the court of appeals in the manner, time, and form applicable in other civil causes in which a decision of the court of appeals is not final, but the review has priority over all other cases, causes, or matters pending in the supreme court, except habeas corpus, and the supreme court shall assure the priority and review and act on the matter and render its final order or judgment with the least possible delay.

### **Sec. 16.16. Suit to Have Precedence.**

The court shall accelerate the disposition of any action brought under this Act.

### **Sec. 16.17. Contestee.**

(a) The county attorney is the contestee of a suit brought under Section 16.13 of this Act. If there is no county attorney of the county, then the criminal district attorney or district attorney is the contestee.

(b) Costs of the election contest may not be adjudged against the contestee or against the county, and neither may be required to give bond on appeal.

### **Sec. 16.18. Rescission Election.**

(a) The commissioners court of a county that elects to approve the legalization of racing with pari-mutuel wagering in that county may hold an election on the question of rescinding that approval. The court shall order such an election on the presentation of a petition that requests such a rescission. The election may not be held earlier than two years after the date of the election conducted under Section 16.10 of this Act at which the legalization of pari-mutuel wagering was approved. The petition must meet the requirements imposed under this article for a petition to request a local option election on the question of the legalization of racing with pari-mutuel wagering. An election to rescind legalization of racing shall be conducted in the manner provided for the original local option election under this article. The ballots shall be

## TEXAS RACING ACT

printed to permit voting for or against the proposition: “Rescinding the legalization of pari-mutuel wagering on horse races in \_\_\_\_\_ County” or “Rescinding the legalization of pari-mutuel wagering on greyhound races in \_\_\_\_\_ County,” as appropriate.

(b) If the majority of the votes cast in an election under this section favor the rescission, racing with pari-mutuel wagering may not be conducted in that county except as provided by Subsection (c) of this section.

(c) An association located in a county that elects to rescind the legalization of racing and that has outstanding long-term liabilities may continue to operate on a temporary basis as provided by Section 18.01 of this Act.

### Article 17. Statewide Referendum

**Sec. 17.01-17.06.** Repealed by Acts 1991,72<sup>nd</sup> Leg.,Ch. 386,§74(b),eff. August 26, 1991.

### Article 18. Miscellaneous Provisions

#### Sec. 18.01. Application of Sunset Act.

(a) The Texas Racing Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c) of this section, the commission is abolished and this Act expires September 1, 2023.

(b) If, at the time that the commission would be abolished under Subsection (a) of this section, an association created under this Act has outstanding long-term liabilities:

(1) the association may continue to operate for a period not to exceed one year after those liabilities are satisfied; and

(2) the commission and this Act are continued in effect for the purpose of regulating that association under this Act.

(c) If the commission and this Act are continued in effect under Subsection (b) of this

section, the commission is abolished and this Act expires on the first day of the fiscal year following the fiscal year in which the commission certifies to the secretary of state that no associations are operating under the terms of Subsection (b) of this section.

(d) An association that continues to operate under Subsection (b) of this section may not incur any new liabilities without the approval of the commission. At the beginning of that period, the commission shall review the outstanding liabilities of the association and shall set a specific date by which the association must retire its outstanding liabilities.

Notwithstanding any contrary contract provisions, an association regulated under this Act may prepay any debt incurred by the association in conducting racing under this Act.

**Sec. 18.02.** Repealed by Acts 1997,75<sup>th</sup> Legislature,Ch. 1275,§54,eff. September 1,1997.

#### Sec. 18.03. Other Lawful Businesses.

An association may conduct other lawful business on the association’s grounds.

#### Sec. 18.04. Suit to Have Precedence.

The courts shall accelerate the disposition of any action brought under this Act.

#### Sec. 18.05. Fee in Lieu of State Taxes.

A fee or payment collected by the state under this Act is in lieu of any other fee, payment, or tax levied by the state. This section does not preclude the application of the sales tax or any increase thereof to the sale or purchase of taxable items by a person or association licensed under this Act or the application of the franchise tax to a person or association licensed under this Act.

#### Sec. 18.06. Release of Liability.

A member of the commission, an employee of the commission, a steward or judge, an association, a horsemen’s organization, or any

Subchapter B. Totalisator Requirements and Operating Environment.....	267
Subchapter C. Regulation of Live Wagering .....	267
Division 1. General Provisions .....	267
Division 2. Distribution of Pari-Mutuel Pools .....	269
Subchapter D. Simulcast Wagering .....	293
Division 1. General Provisions .....	293
Division 2. Common Pool Wagering .....	296
Division 3. Simulcasting at Horse Racetracks.....	297
Subchapter E. Ticketless Electronic Wagering.....	301
Division 1. Conduct of E-Wagering.....	301
Division 2. Operational Requirements.....	302
Subchapter F. Regulation of Historical Racing .....	302
 CHAPTER 323. DISCIPLINARY ACTION AND ENFORCEMENT .....	 303
Subchapter A. General Provisions .....	305
Subchapter B. Civil Remedies .....	306
Subchapter C. Criminal Enforcement .....	306
 INDEX.....	 307

*This space intentionally left blank.*

## CHAPTER 303

race meetings in neighboring race states on the proposed race meeting; and

(9) the anticipated availability of race animals for the race meetings.

(g) The commission shall approve the actual days awarded, and the total number of performances. The commission may require a minimum number of races in a race meet.

(h) An association shall conduct pari-mutuel racing on each race date granted under this section, and in accordance with the race date calendar approved by the Commission, unless the association receives the prior approval of the executive secretary.

(i) If circumstances beyond the control of the association prevent the association from conducting a performance, the commission may award a make-up performance.

(j) Change in Race Date Allocation.

(1) The executive secretary may permit an association to request additional live race dates after its request under this section has been acted on by the commission if the executive secretary determines that:

(A) the request includes evidence that granting the additional live race dates will enhance the breeding and training industries for horses or greyhounds;

(B) the association's failure to request the live race dates initially was not due to the association's neglect; and

(C) if the request duplicates a request by the association that has already been denied by the commission, changed circumstances exist that necessitate additional consideration by the commission.

(2) An association may request a change to the live race dates granted by the commission provided the association obtains the approval of all associations that are affected by the proposed change. This subsection applies to any proposed change to the number or format of live race dates.

(3) The executive secretary may approve an association's request to add, delete, or

modify live race dates, provided that the request:

(A) does not add any live race dates that are more than fourteen calendar days preceding the start of the Commission-approved race meet or more than fourteen days following the end of the Commission-approved race meet;

(B) is supported in writing by each breed organization affected by the change;

(C) is supported in writing by each association that is affected by the change; and

(D) in the case of a horse racing association, is supported in writing by the horsemen's organization.

(4) In determining whether to approve a request under this subsection, the executive secretary may consider the effect that approving the request would have on the workload and budget status of the Commission.

(5) For purposes of this subsection, an allocation of live race performances may be changed in the same manner as a change in the allocation of live race dates. (Added eff. 3/28/89; (c),(d),(e) added eff. 11/29/90; (a),(b) amended eff. 1/2/92; (f) added eff. 1/2/92; (a),(b),(c) amended eff. 9/1/93; (f) amended eff. 10/1/96; (b),(c),(e),(f) amended eff. 1/1/99; (d) amended eff. 5/6/04; (a)-(j) amended eff. 9/2/07; (j) amended eff. 9/19/13)

### **Sec. 303.42. Approval of Charity Race Days.**

(a) An association shall conduct charity days as required by the Act. A greyhound association shall conduct at least five charity race days each year. A Class 1 or Class 2 horse racetrack that is not conducting historical racing shall conduct at least two and not more than five charity race days each year. A Class 1 or Class 2 horse racetrack that is conducting historical racing shall conduct at least three and not more than five charity race days each year.

(b) During each application period in which an association applies for live race dates, the association shall also apply for charity race dates as necessary to comply with subsection (a) of this section. The application must be in writing and contain:

(1) the name of the charity;

## GENERAL PROVISIONS

(2) the name and address of each individual who serves as an officer or director of the charity or who owns an interest in the charity of 5% or more;

(3) a brief description of the activities or purposes of the charity; and

(4) a copy of an Internal Revenue Service letter of determination that qualifies the charity as an exempt organization for purposes of federal income tax.

(c) An association shall pay at least 2% of the total pari-mutuel handle generated at the association's racetrack on the charity race day.

(d) Charities.

(1) At least one percent of the pari-mutuel handle from live racing and simulcasting on charity racing days shall be contributed to a charity that directly benefits the persons who work in the stable or kennel area of the racetrack, and at least one percent shall be contributed to a charity that primarily benefits research into the health or safety of race animals.

(2) For a horse racing association conducting historical racing, at least 1.5% of the pari-mutuel handle from historical racing on charity racing days shall be contributed to a charity that directly funds veterinary research beneficial to promoting the health and soundness of horses; and at least one-half of one percent of the pari-mutuel handle from historical racing on charity racing days shall be contributed to a charity that facilitates youth participation in equestrian sports and activities.

(3) For a greyhound association conducting historical racing, at least two percent of the pari-mutuel handle from historical racing on charity racing days shall be contributed to a charity that provides for the medical care and rehabilitation of injured greyhounds. (Added eff. 8/30/89; (a),(b), (c) amended eff. 1/2/92; (c) amended eff. 1/1/98; (d) amended eff. 1/1/99; (a), (b), (c), (d) amended eff. 9/28/14)

### **Sec. 303.43. Allocation of Live Race Dates for Class 1 Racetracks.**

(a) The commission may not grant overlapping live race dates for the same breed of horse at Class 1 racetracks unless the overlapping is agreed to in writing by the affected Class 1 racetracks.

(b) For any year in which there are less than three Class 1 racetracks in Texas holding final non-appealable licenses, the commission shall allocate to each such racetrack at least 17 consecutive weeks of live thoroughbred racing and at least 17 consecutive weeks of live quarter horse racing, unless otherwise agreed to by the appropriate breed registry. Each week of live racing shall consist of a minimum of four consecutive race days. If a Class 1 racetrack informs the commission in writing that it does not desire the full number of weeks of racing for either breed, the commission may allocate the extra weeks to another racetrack. (Added eff. 12/10/92)

## **Subchapter C. Powers and Duties of the Comptroller of Public Accounts**

### **Sec. 303.61. Power of Entry.**

(a) The comptroller or a person authorized by the comptroller may enter an office, racetrack, or other place of business of an association at any time to inspect the association's records required to be maintained by a rule of the commission.

(b) To assist the comptroller in gaining access to a place under this section, the commission may issue a subpoena under §303.33 of this title (relating to Subpoenas). (Added eff. 11/15/88)

### **Sec. 303.62. Records.**

(a) An association or other person required by a rule of the commission to maintain records regarding the operation of a racetrack shall allow the comptroller or a person authorized by the comptroller to inspect the records.

(b) Failure to allow the comptroller or a person authorized by the comptroller to inspect a

## CHAPTER 303

application contains false information is subject to discipline by the TGA Executive Committee, including suspension from the TGA.

### (b) Owners' Awards.

(1) The owner of a registered Texas-bred greyhound that wins a pari-mutuel race in Texas is eligible to receive an owner's award. For purposes of this subdivision, each elimination and final in a stakes race competition is considered a pari-mutuel race. A dead heat for the win position is considered a win for each greyhound involved in the dead heat.

(2) TGA will pay owners' awards no later than the last business day of each month. TGA will issue the check for each award to the person in whose name the Texas-bred greyhound is registered. To determine the amount of each award, the total amount of money received from the Commission for the Texas Bred Incentive Program for the preceding month, minus the statutorily permitted amount for administrative expenses, shall be divided by the number of pari-mutuel races won by registered Texas-bred greyhounds during the preceding month, plus five. The result is the amount of owner's award to be paid for each registered Texas-bred greyhound that won a pari-mutuel race in Texas during the preceding month.

(3) TGA shall make a reasonable effort to deliver all owners' awards. If after 12 months after issuing a check for an owner's award TGA is unsuccessful in delivering the check to the proper person, TGA shall void the check and add the unclaimed amount to the total amount to be distributed as owners' awards for the next month.

(4) Each month, five owner's award shares will be retained to cover errors that may be made by TGA. A person who believes he or she is entitled to an owner's award must file a claim with TGA no later than 90 days after the end of the month during which the race on which the claim is based was conducted. On receipt of a claim for an owner's award, TGA shall determine whether the claim is valid. If

the claim is valid, TGA shall immediately pay the owner's award. After the deadline for filing a claim, TGA shall add the remaining retained owner's award shares to the total amount to be distributed in the next month. If more than five valid claims are filed, TGA shall pay the sixth and subsequent claims from the owner's award shares retained from the next and subsequent months until all valid claims are paid.

(5) An owner's award may not be paid for a greyhound that is disqualified from a race due to a positive drug test. On notice to TGA that a race's results are affected by a positive drug test, TGA shall retain any owner's award due to the winning greyhound until the Commission's disciplinary proceedings regarding the positive drug test are final and unappealable. If the greyhound's disqualification is overturned, the TGA shall pay the retained owner's award within 30 days of receiving notice of the final disposition of the proceeding. If the greyhound's disqualification is upheld, the amount of the retained owner's award shall be added to the total amount to be distributed as owners' awards for the month after the month in which TGA is notified of the final disposition of the proceeding.

### (c) Stakes Races.

(1) Pursuant to the Act, §6.09(d) and Tex. AG. Op. No. DM-211, TGA shall pay one-half of the breakage it receives as additional purse money for stakes races restricted to Texas-bred greyhounds. All registered Texas-bred greyhounds are eligible to participate in a Texas-bred restricted stakes race, subject to the conditions of the race.

(2) TGA shall develop the conditions of each Texas-bred restricted stakes race in cooperation with the racetrack at which the race will be conducted. The conditions of the race are subject to the approval of the executive secretary.

(3) TGA shall pay the allotted additional purse money for the race to the racetrack at which the race will be conducted. The racetrack shall hold the additional purse money received

## GENERAL PROVISIONS

from TGA until the executive secretary advises the association that the race has been cleared for payment.

(d) Distribution of purse money from cross-species simulcasting.

(1) To enhance live racing opportunities at Texas greyhound racetracks, TGA shall pay to each greyhound racetrack the purse money it collects pursuant to the Act, §6.091(d)(2) from interstate cross-species simulcasting at Texas horse racetracks in accordance with an allocation approved by the Commission. TGA shall prepare a proposed allocation for consideration by the Commission. In preparing a proposed allocation, TGA shall consider:

(A) the average price-per-point paid for purses at each greyhound racetrack during the preceding year;

(B) the purse payout at each greyhound racetrack during the preceding year; and

(C) the impact cross-species simulcasting has made on greyhound purse revenues at each greyhound racetrack during the preceding year.

(2) Annually, the executive secretary shall establish a deadline by which the proposed allocation must be submitted. The executive secretary shall ensure each of the greyhound racetracks has notice of the proposed allocation and the date, time, and location of the Commission meeting at which the proposed allocation will be considered for approval. (Added eff. 7/18/89; amended eff. 12/1/96; amended eff. 1/1/02)

### **Subchapter F. Licensing Persons with Criminal Backgrounds**

#### **Sec. 303.201. General Authority.**

(a) In accordance with state law, the commission may revoke, suspend, or deny a license or the stewards or racing judges may suspend or deny a license to a person because of the person's conviction of a felony or misdemeanor if the offense directly relates to the person's present fitness to perform the duties and responsibilities associated with the license.

(b) In determining whether or not an offense directly relates to a person's present fitness to perform the duties and responsibilities associated with the license, the commission or stewards or racing judges shall consider the relationship between the offense and the particular license applied for and the following factors:

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person at the time of the commission of the crime;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person prior to and following the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence presented by the person of the person's present fitness, including letters of recommendation from:

(A) prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;

(B) the sheriff or chief of police in the community where the person resides; or

(C) any other persons in contact with the convicted person.

(c) The executive secretary may develop guidelines regarding the factors listed in subsection (b) of this section and how the factors related to the offenses listed in §303.202 of this title (relating to General Provisions.)

(d) On learning of the felony conviction, felony probation revocation, revocation of parole, or revocation of mandatory supervision of a licensee, the commission shall revoke the licensee's license. (Added eff. 3/28/89; (a), (b) amended eff. 7/1/92; (c) added eff. 7/1/92; (c) amended (d) added eff. 1/1/99)

#### **Sec. 303.202. Guidelines.**

(a) In accordance with state law, the commission has developed guidelines relating to the suspension, revocation, or denial of occupational

## CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

### Subchapter A. General Provisions

Sec. 307.1. Applicability.....	107
Sec. 307.2. Definitions.....	107
Sec. 307.3. Types of Proceedings.....	107
Sec. 307.4. Decision-Making Proceedings.....	107
Sec. 307.5. Special Provisions Regarding Racetrack License Applications.....	108
Sec. 307.6. Probation.....	108
Sec. 307.7. Ejection and Exclusion.....	108
Sec. 307.8. Negotiated Rulemaking and Alternative Dispute Resolution.....	108

### Subchapter B. Contested Cases

Sec. 307.31. Prehearing Procedures.....	108-B
Sec. 307.32. Nonparty Participation.....	109
Sec. 307.33. Hearing.....	109
Sec. 307.34. Exceptions and Replies.....	109
Sec. 307.35. Oral Argument.....	109
Sec. 307.36. Consideration by Commission.....	109
Sec. 307.37. Final Order.....	109
Sec. 307.38. Rehearing.....	110
Sec. 307.39. Judicial Review.....	110

### Subchapter C. Proceedings by Stewards and Racing Judges

Sec. 307.61. General Authority.....	110
Sec. 307.62. Disciplinary Hearings.....	110
Sec. 307.63. Ruling.....	111
Sec. 307.64. Penalties.....	112
Sec. 307.65. Reciprocity.....	112
Sec. 307.66. Applicability of Rules and Rulings.....	112
Sec. 307.67. Appeal to the Commission.....	112
Sec. 307.68. Stay.....	113
Sec. 307.69. Review by Executive Secretary.....	113

### Subchapter D. Rulemaking

Sec. 307.101. Purpose.....	114
Sec. 307.102. Rulemaking Procedure.....	114
Sec. 307.103. Petition for Adoption of Rules.....	114
Sec. 307.104. Saving Provisions.....	115
Sec. 307.105. Severability.....	115

*This space intentionally left blank.*

**CHAPTER 309. RACETRACK LICENSES AND OPERATIONS**

**Subchapter A. Racetrack Licenses**

**Division 1. General Provisions**

Sec. 309.1. Racetrack Licenses.....121  
Sec. 309.2. Criteria.....121  
Sec. 309.3. Racetrack License Application Procedure. ....122  
Sec. 309.4. Information for Background Investigation.....123  
Sec. 309.5. Restrictions on Licensing. ....124  
Sec. 309.6. Order for Security for Compliance. ....124  
Sec. 309.7. Horse Racetrack Application Fees. ....126  
Sec. 309.8. Racetrack License Fees.....127  
Sec. 309.9. Denial, Suspension and Revocation of Licenses.....128  
Sec. 309.10. Notice and Curative Right To Debt Holders.....129  
Sec. 309.11. Fees for Requests to Approve a Transfer of Pecuniary Interests. ....130  
Sec. 309.12. Fees for Requests to Approve Change of Location. ....131

**Division 2. Active and Inactive Racetrack Licenses**

Sec. 309.51. Designation of Active and Inactive Racetrack Licenses.....132  
Sec. 309.52. Review and Renewal of Inactive Racetrack Licenses.....133  
Sec. 309.53. Ownership and Management Review of Active Racetrack Licenses ...135

**Subchapter B. Operation of Racetracks**

**Division 1. General Provisions**

Sec. 309.101. Duty of Association.....135-A  
Sec. 309.102. Exemption or Deferred Compliance. ....136  
Sec. 309.103. Construction and Renovation of Racetrack Facilities.....137  
Sec. 309.104. Compliance Inspections. ....138  
Sec. 309.105. Reimbursement of Breeders’ Cup Costs.....139

**Division 2. Facilities and Equipment**

Sec. 309.111. Comfort and Safety. ....139  
Sec. 309.112. Maintenance.....139  
Sec. 309.113. Accessibility by Disabled Persons. ....139  
Sec. 309.114. Restrooms.....140  
Sec. 309.115. Refreshments.....140  
Sec. 309.116. Complaints. ....140  
Sec. 309.117. First Aid. ....140  
Sec. 309.118. Regulatory Office Space and Equipment.....140  
Sec. 309.120. Parking for Licensees.....141  
Sec. 309.122. External Communication. ....141  
Sec. 309.123. Internal Communication System.....142  
Sec. 309.124. Public Address System.....142  
Sec. 309.125. Photofinish Equipment.....142  
Sec. 309.126. Videotape Equipment.....142

Sec. 309.127. Maintenance of Negatives and Videotapes.....	143
Sec. 309.128. Lighting.....	143
Sec. 309.129. Automatic Banking Machines.....	143
Sec. 309.130. Attendance.....	144
Sec. 309.131. Breathalyzer Machine. ....	144
Sec. 309.132. Approval of Equipment.....	144

**Division 3. Operations**

Sec. 309.151. Change of Ownership, Board of Directors, or Management Committee. ...	144
Sec. 309.152. Records.....	146
Sec. 309.153. General Security.....	146
Sec. 309.154. Stable or Kennel Area. ....	146
Sec. 309.155. Stable/Kennel Area Visitors Pass.....	146-A
Sec. 309.156. Incident Reports and Accident Records.....	147
Sec. 309.157. Fire Prevention.....	147
Sec. 309.158. Insect Control. ....	147
Sec. 309.159. Alcoholic Beverages. ....	148
Sec. 309.160. Vendors. ....	148
Sec. 309.162. Management, Totalisator Companies, and Concessionaires Contracts.....	148
Sec. 309.163. Fingerprinting.....	148
Sec. 309.164. Accounting Practices.....	149
Sec. 309.165. Cooperation with Commission.....	149
Sec. 309.166. Race Information.....	149
Sec. 309.167. Organizational Chart. ....	149
Sec. 309.168. Hazardous Weather. ....	149

**Subchapter C. Horse Racetracks**

**Division 1. Racetracks**

Sec. 309.201. Applicability.....	149
Sec. 309.202. Track Length.....	149
Sec. 309.203. Track Width. ....	150
Sec. 309.204. Elevation and Surface of Track.....	150
Sec. 309.205. Drainage. ....	150
Sec. 309.206. Rails.....	150
Sec. 309.207. Maintenance of Track. ....	151
Sec. 309.208. Gates.....	151
Sec. 309.209. Turf Access Path. ....	151
Sec. 309.210. Lighting.....	151
Sec. 309.211. Obstacles. ....	151
Sec. 309.212. Official's Stands.....	151
Sec. 309.213. Starting Gates. ....	151
Sec. 309.214. Distance Markers. ....	152
Sec. 309.215. Survey. ....	152

**Division 2. Facilities for Horse**

Sec. 309.241. Barns. ....	152
Sec. 309.242. Receiving Barn.....	152
Sec. 309.243. Stalls.....	152

Sec. 309.244. Accommodations for Stakes Races.....	153
Sec. 309.245. Manure Removal.....	153
Sec. 309.246. Hay and Feed Storage .....	153
Sec. 309.247. Maintenance of Common Areas.....	153
Sec. 309.248. Pre-race Holding Area.....	153
Sec. 309.249. Paddock.....	153
Sec. 309.250. Test Barn.....	153
Sec. 309.253. Postmortem.....	154
Sec. 309.254. Equine Ambulance.....	154
Sec. 309.255. Chase Vehicle.....	154

**Division 3. Facilities for Licensees**

Sec. 309.281. Jockeys.....	155
Sec. 309.282. Living Quarters for Licensees.....	155

**Division 4. Operations**

Sec. 309.291. Racing Hours.....	155
Sec. 309.292. Number of Races.....	155
Sec. 309.293. Saddle Cloth.....	155
Sec. 309.294. Starting Crew.....	155
Sec. 309.295. Condition Book.....	155
Sec. 309.296. Official Program.....	156
Sec. 309.297. Purse Accounts.....	156
Sec. 309.298. Stakes and other Prepayment Races.....	157
Sec. 309.299. Horsemen’s Representative.....	158

**Subchapter D. Greyhound Racetracks**

**Division 1. Facilities and Equipment**

Sec. 309.301. Applicability.....	159
Sec. 309.302. Track Specifications.....	159
Sec. 309.303. Track Surface.....	159
Sec. 309.304. Watering Equipment.....	159
Sec. 309.305. Starting Boxes.....	159
Sec. 309.306. Escapes.....	160
Sec. 309.307. Lures.....	160
Sec. 309.308. Video Monitoring System.....	160
Sec. 309.309. Lockout Kennel.....	160
Sec. 309.310. Walkway.....	160
Sec. 309.311. Kennel Compound.....	160
Sec. 309.312. Turnout Pens.....	161
Sec. 309.313. Kennel Buildings.....	161
Sec. 309.314. Sprint Path.....	162
Sec. 309.315. Test Area.....	162
Sec. 309.316. Emergency Care Facility.....	162
Sec. 309.317. Facilities and Equipment Maintenance Personnel.....	162

**Division 2. Operations**

Sec. 309.351. Kennel Contracts.....162  
Sec. 309.352. Texas Preference.....163  
Sec. 309.353. Dismissal of Kennel.....163  
Sec. 309.354. Stakes Entry.....163  
Sec. 309.355. Grading System.....163  
Sec. 309.356. Draw and Post Position Assignment.....164  
Sec. 309.357. Schooling.....164  
Sec. 309.358. Racing Restricted.....165  
Sec. 309.359. Use of Lures in Training or Racing.....165  
Sec. 309.360. Marathons.....165  
Sec. 309.361. Greyhound Purse Account and Kennel Account.....165  
Sec. 309.362. Number of Greyhounds.....166  
Sec. 309.363. Official Program.....166  
Sec. 309.364. Identification System.....166  
Sec. 309.365. Breakage.....166-A

## CHAPTER 309

### **Sec. 309.365. Breakage.**

A greyhound racing association shall pay fifty percent of the breakage from a live pari-mutuel pool or a simulcast pari-mutuel pool to the Texas Greyhound Association in accordance with §6.09 of the Act and §303.102(c) of this title (relating to Greyhound Rules). A greyhound racing association shall retain the remaining fifty percent of the breakage from a live pari-mutuel pool or a simulcast pari-mutuel pool.

*This space intentionally left blank.*

## **RACETRACK LICENSES AND OPERATIONS**

*This space intentionally left blank.*

## CHAPTER 311. OTHER LICENSES

### Subchapter A. Licensing Provisions

#### Division 1. Occupational Licenses

Sec. 311.1. Occupational Licenses. ....	169
Sec. 311.2. Application Procedure.....	169
Sec. 311.3. Information for Background Investigation.....	170
Sec. 311.4. Occupational License Restrictions.....	171
Sec. 311.5. License Fees.....	171
Sec. 311.6. Denial, Suspension and Revocation of Licenses.....	173
Sec. 311.7. Renewal of Licenses.....	174
Sec. 311.8. Correction of Incorrect Information.....	174

#### Division 2. Other Licenses

Sec. 311.52. Spouse's License.....	174
------------------------------------	-----

### Subchapter B. Specific Licensees

Sec. 311.101. Horse Owners.....	174
Sec. 311.102. Greyhound Owners.....	176
Sec. 311.103. Kennel Owners.....	177
Sec. 311.104. Trainers.....	178
Sec. 311.105. Jockeys.....	181
Sec. 311.106. Veterinarians.....	181
Sec. 311.107. Lessee/Lessor.....	181
Sec. 311.108. Authorized Agent.....	182
Sec. 311.109. Mutuel Employees.....	182
Sec. 311.110. Leadout.....	182
Sec. 311.111. Jockey Agent.....	182
Sec. 311.112. Equine Dental Provider.....	183

### Subchapter C. Responsibilities of Individuals

Sec. 311.201. Applicability.....	183
Sec. 311.202. Best Effort.....	183
Sec. 311.203. Ineligible Participant.....	183
Sec. 311.204. Bribes Prohibited.....	183
Sec. 311.205. Wagering.....	183
Sec. 311.206. Influence of Race Prohibited.....	184
Sec. 311.207. Inhumane Treatment.....	184
Sec. 311.208. Performance Information.....	184
Sec. 311.209. Information to Commission.....	184
Sec. 311.210. Conduct.....	184
Sec. 311.211. Weapons Prohibited.....	185
Sec. 311.212. Duty to Wear Badge.....	185
Sec. 311.213. Accident Reports.....	185
Sec. 311.214. Financial Responsibility.....	185

Sec. 311.215. Contraband.....	186
Sec. 311.216. Conduct in Stable Area.....	186
Sec. 311.217. Greyhound Training.....	186
Sec. 311.218. Safety Equipment.....	186-A

**Subchapter D. Alcohol and Drug Testing**

**Division 1. Drugs**

Sec. 311.301. Use and Possession Prohibited.....	186-A
Sec. 311.302. Subject to Testing.....	187
Sec. 311.303. Method of Selection.....	187
Sec. 311.304. Taking of Specimens.....	187
Sec. 311.305. Security of Specimens.....	188
Sec. 311.306. Medical Review Officer.....	188
Sec. 311.307. Confidentiality of Results.....	188
Sec. 311.308. Penalties.....	188

**Division 2. Alcohol**

Sec. 311.321. Prohibited Conduct.....	189
Sec. 311.322. Breathalyzer or Other Test.....	189
Sec. 311.323. Penalties.....	190

## CHAPTER 311. OTHER LICENSES

### Subchapter A. Licensing Provisions

#### Division 1. Occupational Licenses

##### Sec. 311.1. Occupational Licenses.

###### (a) License Required.

(1) A person other than a patron may not participate in racing at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission.

(2) A licensee may not employ a person to work at a racetrack at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission.

(3) An association may not employ a person who works in an occupation that affords the employee an opportunity to influence racing with pari-mutuel wagering, or who will likely have significant access to the backside or restricted areas of a racetrack, unless the person has a valid license issued by the Commission.

###### (b) Duration of License.

(1) Except as provided in paragraph (2) of this subsection, an occupational license expires one year after the last day of the month in which the license was issued.

(2) An applicant for the following occupational license types may choose to have a multi-year license which expires on the last day of the month two years or three years after the month in which the license was issued; kennel owner, kennel owner/owner, kennel owner/owner/trainer, kennel owner/trainer, owner, owner/trainer, trainer, veterinarian, jockey, or multiple owner/stable/farm registration license.

(3) A training facility license expires on December 31 of the year for which it was issued.

###### (c) License Conditions.

(1) Except as otherwise provided by this section, a license issued by the Commission is a privilege, not a right, and is conditioned on the licensee's compliance with the Act and the Rules.

(2) If the Act or a rule is amended, the continued holding of a license is conditioned on

the licensee's compliance with the Act or rule as amended.

(d) Effect of Acceptance. By accepting a license issued by the Commission, a person consents to:

(1) a search by the Commission of the person and the person's possessions at a racetrack to check for violations of the Act or the Rules;

(2) seizure of contraband; and

(3) testing for alcohol and controlled substances in accordance with Subchapter D of this chapter. (Added eff. 10/21/99; (b) amended eff. 1/8/04; (a) amended eff. 3/20/08; (a), (b) amended eff. 1/10/13; (a) amended eff. 11/2/15)

##### Sec. 311.2. Application Procedure.

(a) General Requirements. To request a license from the Commission, a person must apply to the Commission on forms prescribed by the executive secretary.

###### (b) Application Site.

(1) Except as provided in paragraphs (2) and (3) of this subsection, an applicant for an occupational license must file the appropriate application form and related documents at the licensing office at a licensed racetrack.

(2) An applicant for the following occupational license types may file the appropriate application form and related documents by mail to the main office of the Commission in Austin; kennel owner, kennel owner/owner, kennel owner/owner/trainer, kennel owner/trainer, owner, owner/trainer, trainer, multiple owner/stable/farm registration, training facility employee, and training facility general manager/CEO.

(3) An applicant for an occupational license that is available through the Texas OnLine portal may submit the required application information through the Texas OnLine portal.

(c) Examinations. The Commission may require the applicant for an occupational license to demonstrate the applicant's knowledge, qualifications, and proficiency for the license applied for by an examination prescribed by the Commission.

## OTHER LICENSES

### (d) Issuance of License.

(1) The stewards or racing judges may review any application for an occupational license and deny a license if the stewards or racing judges determine:

(A) grounds for denial of the license exist under §311.6 of this title (relating to Denial, Suspension, and Revocation of Licenses; or

(B) if the applicant or a member of the applicant's family or household currently holds a Commission license, after considering the nature of the licenses sought or held by the applicant, issuing a license to the applicant would create a conflict of interest that might affect the integrity of pari-mutuel racing.

(2) An occupational licensee may not act in any capacity other than that for which he or she is licensed.

(3) The stewards or racing judges may issue a license subject to the applicant satisfying one or more conditions, as specified by the stewards or racing judges, which reasonably relate to the applicant's qualifications or fitness to perform the duties of the license sought.

### (e) License Badge.

(1) The Commission shall issue a certificate identification card in the form of a license badge to each individual licensed under this subchapter.

(2) The badge must bear the seal of the Commission.

(3) The badge must contain:

(A) the licensee's full name;

(B) the licensee's photograph;

(C) the category of license;

(D) the month and year in which the license expires;

(E) a color code that designates whether the licensee has access to the stable or kennel area; and

(F) the license number assigned by the Commission.

(4) If a badge issued under this section is lost or stolen, the licensee shall immediately notify the Commission and may apply for a duplicate badge with the same terms as the

original badge. To apply for a duplicate badge, the licensee must:

(A) file a sworn affidavit stating that the badge was lost, stolen, or destroyed;

(B) surrender any remaining portion of the badge; and

(C) pay a duplicate badge fee in an amount set by the Commission.

(f) Credit for Military Service. Military service members and military veterans, as defined in Texas Occupations Code, Chapter 55, will receive credit toward any experience requirements for a license as appropriate for the particular license type and the specific experience of the military service member or veteran. (Added eff. 10/21/99; (d) amended eff. 1/8/04; (b) amended eff. 10/25/04; (b) amended eff. 1/10/13; (f) added eff. 7/7/14)

### **Sec. 311.3. Information for Background Investigation.**

#### (a) Fingerprint Requirements and Procedure.

(1) Except as otherwise provided by this section, an applicant for a license or license renewal must submit with the application documents a set of the applicant's fingerprints in a form prescribed by the Department of Public Safety. If the applicant is not an individual, the applicant must submit a set of fingerprints on the above-referenced forms for each individual who:

(A) serves as a director, officer, or partner of the applicant;

(B) holds a beneficial ownership interest in the applicant of 5.0% or more; or

(C) owns any interest in the applicant, if requested by the Department of Public Safety.

(2) The fingerprints must be taken by a peace officer or a person authorized by the Commission.

(3) Not later than 10 business days after the day the Commission receives the sets of fingerprints under this section, the Commission shall forward the fingerprints to the Department of Public Safety.

(4) A person who desires to renew an occupational license must:

(A) have submitted a set of fingerprints pursuant to this section within the

three years prior to renewal;

(B) provide a new set of fingerprints for classification by the Federal Bureau of Investigation; or

(C) if the applicant's original fingerprints are classified and on file with the Department of Public Safety, the applicant must pay a processing fee to resubmit the original fingerprints in lieu of submitting another set of fingerprints under paragraph (5) of this subsection. The processing fee shall be equal to the amount necessary to reimburse the Department of Public Safety for obtaining criminal history records under subsection (b) of this section.

(5) If an applicant for a license or license renewal is required to submit fingerprints under this section, the applicant must also submit a fingerprinting fee and a processing fee equal to the amounts necessary to reimburse the Commission and the Department of Public Safety for obtaining criminal history records under subsection (b) of this section.

(b) Criminal History Record.

(1) For each individual who submits fingerprints under subsection (a) of this section, the Commission shall obtain a criminal history record maintained by the Texas Department of Public Safety and the Federal Bureau of Investigation.

(2) The Commission may obtain criminal history record information from any law enforcement agency.

(3) Except as otherwise provided by this subsection, the criminal history record information received under this section from any law enforcement agency that requires the information to be kept confidential as a condition of release of the information is for the exclusive use of the Commission and its agents and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except in a criminal proceeding, in a hearing conducted by the Commission, on court order,

or with the consent of the applicant. Information that is in a form available to the public is not privileged or confidential under this subsection and is subject to public disclosure. (Added eff.

10/21/99; (a) amended eff. 9/1/00; (a) amended eff. 7/1/03; (a) amended eff. 12/07/08; (a) amended eff. 12/8/11); (a) amended eff. 5/6/12; (a) amended eff. 9/5/12; (a) amended eff. 1/10/13)

**Sec. 311.4. Occupational License Restrictions.**

(a) Non-Transferable.

(1) Except as otherwise provided by this section, a license issued by the Commission is personal to the licensee and is not transferable.

(2) If the death of a licensee creates an undue hardship or results in a technical violation of the Act or a Rule, on application of a person who wishes to operate or work under the license, the Commission may issue a temporary license to the person for a period specified by the Commission not to exceed one year.

(b) Education. To be eligible to receive a license to participate in racing with pari-mutuel wagering, an individual who is under 18 years of age must present to the Commission proof that the individual:

(1) has graduated from high school or received an equivalent degree; or

(2) is currently enrolled in high school or equivalent classes. (Added eff. 10/21/99)

**Sec. 311.5. License Fees.**

(a) An applicant for a license must submit with the application documents the license fee in the amount set by the Commission in subsection (d) of this section.

(b) A license fee paid at a racetrack or at the Commission's headquarters must be paid by a money order, a certified check, a cashier's check, a credit card, or a personal check. The executive secretary may approve payment in cash at a racetrack if the association submits a plan that is approved by the executive secretary. The plan shall provide for the safety and security of the licensing office where the cash will be received and stored and licensing employees who will be responsible for handling and depositing the cash

## OTHER LICENSES

received. A license fee paid through the Texas OnLine portal may be paid by any method approved by the Texas OnLine Authority.

(c) Association Employees. Association employees in the following occupations must hold valid licenses issued by the Commission to work on association grounds:

(1) Adoption Program Personnel--A person employed by a greyhound association to work with an adoption program.

(2) Announcer--A person employed to announce races.

(3) Assistant Starter--A person employed to perform duties required by the Starter at the starting gate of a horse racetrack.

(4) Association Management Staff--A person employed to manage a department and who has the authority to hire or fire other employees or whose recommendations as to hiring and firing decisions are given particular weight.

(5) Association Officer/Director--A person employed as an officer of an association or who serves on an association's board of directors or management committee.

(6) Association Staff (with Access to Backside or Secured Areas)--A person employed to provide various services on the backside or in areas of a racetrack that are required by the Commission to be secured. These services may include, but are not limited to, clerical, accounting, admissions, food service, housekeeping, and general maintenance.

(7) Association Veterinarian--A person employed to provide veterinary services for greyhounds.

(8) Law Enforcement--A person employed as a security officer who is commissioned as a Texas peace officer.

(9) Lead Out--A person employed to lead greyhounds in the post parade to the starting box.

(10) Maintenance--A person employed to work or maintain the racetrack.

(11) Medical Staff--A person employed directly by the association to provide medical assistance.

(12) Mutuel Clerk--A person employed to work at the betting windows.

(13) Mutuel Other--A person employed in the mutuel department in a capacity other than mutuel clerk.

(14) Racing Official--A person employed to act as an official under Chapter 313 of this Title (relating to Officials and Rules of Horse Racing) or Chapter 315 of this Title (relating to Officials and Rules for Greyhound Racing).

(15) Security Officer--A person employed to provide security for the racetrack grounds.

(16) Test Technician--A person employed to collect blood and urine samples and provide other services in the test barn or testing area.

(17) Test Barn Escort--A person employed to lead horses from the finish line to the test barn for post race testing.

(18) Valet--A person employed to assist jockeys with their tack and silks in the jockeys' rooms.

(d) The fee for an occupational license is as follows:

Type of License.....	1 Year Fee...	2 Year Fee...	3 Year Fee
Adoption Program Personnel	\$25		
Announcer	\$35		
Apprentice Jockey	\$75		
Assistant Farrier/Plater/Blacksmith	\$25		
Assistant Starter	\$25		
Assistant Trainer	\$100		
Assistant Trainer/Owner	\$100		
Association Assistant Management	\$50		
Association Management Personnel	\$75		
Association Officer/Director	\$100		
Association Other	\$75		
Association Staff	\$35		
Association Veterinarian	\$75		
Authorized Agent	\$15		
Chaplain	\$25		
Chaplain Assistant	\$25		
Equine Dental Provider	\$100		
Exercise Rider	\$25		
Farrier/Plater/Blacksmith	\$75		
Groom/Hot Walker	\$25		
Jockey	\$100	\$200	\$300

## CHAPTER 311

Jockey Agent	\$ 100		
Kennel	\$ 75		
Kennel Helper	\$ 25		
Kennel Owner	\$ 100	\$ 200	\$ 300
Kennel Owner/Owner	\$ 100	\$ 200	\$ 300
Kennel Owner/Owner	\$ 100	\$ 200	\$ 300
Kennel Owner/Owner/Trainer	\$ 100	\$ 200	\$ 300
Kennel Owner/Trainer	\$ 100	\$ 200	\$ 300
Lead-Out	\$ 25		
Maintenance	\$ 35		
Medical Staff	\$ 35		
Miscellaneous	\$ 25		
Multiple Owner	\$ 35	\$ 70	\$ 105
Mutuel Clerk	\$ 35		
Mutuel Other	\$ 35		
Owner	\$ 100	\$ 200	\$ 300
Owner-Trainer	\$ 100	\$ 200	\$ 300
Pony Person	\$ 25		
Racing Industry Representative	\$ 100		
Racing Industry Staff	\$ 30		
Racing Official	\$ 50		
Security Officer	\$ 30		
Stable Foreman	\$ 50		
Tattooer	\$ 100		
Test Technician	\$ 25		
Tooth Floater	\$ 100		
Trainer	\$ 100	\$ 200	\$ 300
Training Facility Employee	\$ 30		
Training Facility General Manager	\$ 50		
Valet	\$ 25		
Vendor Concessionaire	\$ 100		
Vendor/Concessionaire Employee	\$ 30		
Vendor/Totalisator	\$ 500		
Vendor/Totalisator Employee	\$ 50		
Veterinarian	\$ 100	\$ 200	\$ 300
Veterinarian Assistant	\$ 30		

(Added eff. 10/21/99; (b) amended eff. 6/1/01(c) amended eff. 5/10/04; (b) amended eff. 9/8/04; amended eff. 8/1/09; (c) amended eff. 3/6/12; (d) amended eff. 1/10/13; (d) amended eff. 7/11/13)

### **Sec. 311.6. Denial, Suspension and Revocation of Licenses.**

#### **(a) Applicability.**

(1) After notice and hearing in accordance with Chapter 307 of this title (relating to Proceedings before the Commission), the Commission, stewards, or racing judges may deny, suspend, or revoke a license issued by the Commission.

(2) If the licensee is not an individual, the grounds for denial, suspension, or revocation of a license apply if a director, officer, or partner of the licensee or an individual who owns an interest in the licensee of 5.0% or more engages in the conduct for which a license may be denied, suspended, or revoked.

(3) Unless specifically ordered otherwise, if the Commission, stewards, or racing judges suspend one occupational license held by an individual, all occupational licenses held by that individual are considered suspended for the term of the suspension.

#### **(b) Grounds for Denial, Suspension, and Revocation of Licenses.**

(1) Violations or Convictions. A license may be denied, suspended or revoked if it is determined that the licensee has:

(A) violated or caused to be violated the Act or a Rule;

(B) been convicted in a court of competent jurisdiction of violating the Act or a Rule;

(C) been convicted of a felony;

(D) been convicted of a crime of moral turpitude that is reasonably related to the licensee's fitness to hold a license in accordance with §303.202 of this title (relating to Guidelines);

(E) aided, abetted, or conspired with another person to violate the Act or a Rule; or  
 (F) had a license issued by another pari-mutuel racing jurisdiction revoked or is currently under suspension in another pari-mutuel racing jurisdiction after notice and an opportunity to be heard.

(2) Failure to Disclose. A license may be denied, suspended or revoked if it is determined that the licensee:

(A) failed to provide information required in the license application;

(B) provided false information in the license application;

(C) failed to disclose an ownership interest in a horse or greyhound as required by the Rules; or

(D) failed to fully disclose the true owners of all interests, beneficial or otherwise, in a proposed racetrack facility.

(3) Domicile. A license may be denied, suspended, or revoked if it is determined that the licensee is domiciled with an individual for whom a license issued by the Commission was

## OTHER LICENSES

denied, suspended, or revoked during the preceding 12-month period.

(4) Ejection. A license may be denied, suspended, or revoked if it is determined that the licensee has engaged in conduct for which the licensee may be ejected or excluded from a racetrack under the Rules.

(5) Detrimental Practices. A license may be denied, suspended, or revoked if it is determined that the licensee is engaged in activities or practices that are detrimental to the best interests of the public, racing animals, or to the racing industry. (Added eff. 10/21/99; (a),(b) amended eff. 1/8/04; (b) amended eff. 5/30/13)

### Sec. 311.7. Renewal of Licenses.

(a) Application. To renew an occupational license issued under this chapter, a licensee must:

- (1) apply to the Commission on a form prescribed by the executive secretary; and
- (2) pay the appropriate license fee.

(b) Terms of License. A license renewed under this subchapter has the same terms and is subject to the same conditions as the original license. (Added eff. 10/21/99; (a) amended eff. 1/8/04)

### Sec. 311.8. Correction of Incorrect Information.

(a) Pursuant to Government Code, Chapter 559, an individual about whom the Commission collects information is entitled to review that information in accordance with Government Code, Chapter 552.

(b) If after reviewing the information the individual believes the Commission has collected incorrect information, the individual may file with the executive secretary a request to correct the information. The request must:

- (1) be in writing;
- (2) specify the information that is incorrect; and
- (3) provide reasonable proof of the corrected information.

(c) If the executive secretary determines the Commission has collected incorrect information about the individual, the executive

secretary shall correct the information. (Added eff. 1/1/02)

## Division 2. Other Licenses

### Sec. 311.52. Spouse's License.

The spouse of a licensed owner may apply for a Spouse's License by completing the license application, a fingerprint card, and paying the license fee. The Spouse's License does not allow the spouse to participate in racing. (Added eff. 3/20/08)

## Subchapter B. Specific Licensees

### Sec. 311.101. Horse Owners.

(a) General Provisions.

(1) The owner of a horse, as listed on the animal's registration paper, must obtain an owner's license from the Commission. Except as otherwise provided by §313.301 (a) (2) of this title (relating to Officials and Rules of Horse Racing), a person may not be licensed as an owner if the person is not the owner of record of a properly registered horse that the person intends to race in Texas. A person who meets the qualifications for a trainer's or assistant trainer's license may also be licensed as an owner if the person intends to be the owner of record of a properly registered horse during the time of licensure. Except as otherwise provided by this subsection, the owner must be licensed one hour prior to the post time of the first race of the day in which the owner intends to race the animal.

(2) If the owner is not an individual, each individual who is a director, officer, or partner of the owner or who has an ownership interest in the horse of 5.0% or more must be licensed by the Commission.

(3) If the owner is not an individual, the owner must provide to the Commission:

(A) a sworn statement by the chief executive officer of the owner or by one of the partners of the owner that the officer or partner represents the owner and is responsible for the horse;

## CHAPTER 311

(B) a statement that the owner is authorized by law to do business in Texas; and

(C) a list of the names and addresses of all individuals having an ownership interest in the horse.

(4) If the owner is not an individual, the ownership entity must:

(A) designate a representative; or

(B) file an authorized agent form with the Commission and pay the prescribed fee.

(5) If the registered owner of a horse is a minor, a financial responsibility form approved by the executive secretary must be signed by the parent or guardian of the owner assuming financial responsibility for the debts incurred for the training and racing of the horse.

(b) Stable Names.

(1) An owner that wants to participate in racing using a stable name must register with the Commission by filing an application on a form prescribed by the executive secretary and paying the prescribed fee. A person may not use the real name of an owner of a race animal as a stable name. A stable name which has already been registered with the Commission may not be registered by another owner.

(2) Registering a stable name with the Commission does not affect a person's obligation to file or register a fictitious name as provided by the laws of Texas.

(3) An application to register a stable name must disclose the real names of all interests participating in the stable and the percentage of ownership interest of each, including the interest owned by a corporation, general partnership, limited partnership, trust, estate or individual.

(4) A stable name may be changed by registering a new stable name. A stable name may be abandoned by giving written notice to the Commission. A change of 5.0% or more in ownership of a stable registered under a stable name shall be immediately reported to the Commission.

(5) A licensee who has registered a stable name under this section may not use the

licensee's real name for racing purposes except on approval of the stewards.

(c) Change of Ownership.

(1) If the owner of an interest in a horse housed on an association's grounds transfers that interest to another person, both parties to the transaction shall give written notice of the transfer to the stewards officiating for that association. Notice under this section must be submitted to the appropriate officials not later than 24 hours after the agreement to transfer the interest is made.

(2) A licensee of the Commission may not transfer an ownership interest in a horse to avoid disqualification of the horse.

(d) Change of Trainer. An owner may change the trainer of his or her horse registered at a licensed race meeting provided:

(1) the request to change trainers is submitted for approval to the stewards on a form provided by the association and approved by the stewards;

(2) the trainer from whom the horse is being transferred signs the form releasing custody of the horse;

(3) the trainer to whom the horse is being transferred signs the form accepting responsibility for the horses; and

(4) the stewards approve the transfer.

(e) Owner/Trainer. A person licensed as an owner/trainer who is training horses at a racetrack may not have any horse owned by the owner/trainer under the care, custody or control of another trainer at that racetrack.

(f) Restrictions on Racing. An owner may not enter a horse or cause a horse to be entered in a race at a racetrack if:

(1) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(2) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

(g) Emergency License.

## OTHER LICENSES

(1) If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race may apply for an emergency owner's license on behalf of the absent owner.

(2) The trainer applying for an emergency owner's license on behalf of an absent owner must submit a written statement with the license application specifying the reasons the owner is unable to complete the application.

(3) The trainer applying for an emergency owner's license must submit at least the following information: the owner's full name, home or business address, and telephone number. At the time of application, the appropriate licensing fee must be paid to the Commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

(4) If an owner submits an incomplete application for an owner's license, the application will remain in pending status until:

(A) the owner submits any additional information required to process the application;

(B) the application expires in accordance with the term of the applied-for license; or

(C) a horse is entered in the owner's name or in the name of a multiple owner of which the owner is a member, in which case the pending license will be presumed to be a request for an emergency license.

(5) A license issued under this section expires on the 21st day after the date the emergency owner's license is issued. An owner may obtain only one emergency license per year. An emergency license cannot be issued if the owner failed to complete the prior licensing process.

(6) An owner granted an emergency license is prohibited from withdrawing any funds from his/her horseman's bookkeeper account until the owner complies with all licensing procedures provided by subsection (a) of this section. (Added eff. 10/21/99; (a) amended eff. 9/1/00; (b),(f)

amended eff. 1/8/04; (a),(d) amended eff. 3/20/08; (g) amended eff. 3/1/13; (a) (g) amended eff. 10/19/15)

### Sec. 311.102. Greyhound Owners.

#### (a) General Provisions.

(1) Except as otherwise provided by this subsection, the owner of a greyhound, as listed on the animal's registration paper, must obtain an owner's license from the Commission. A person may not be licensed as an owner if the person is not the owner of record of a properly registered greyhound that the person intends to race in Texas. The owner must be licensed one hour prior to the post time of the first race of the day in which the owner intends to race the animal.

(2) If the owner is not an individual, each individual who is a director, officer, or partner of the owner or who has an ownership interest in the greyhound of 5.0% or more must be licensed by the Commission.

(3) If the owner is not an individual, the owner must provide to the Commission:

(A) a sworn statement by the chief executive officer of the owner or by one of the partners of the owner that the officer or partner represents the owner and is responsible for the greyhound;

(B) a statement that the owner is authorized by law to do business in Texas; and

(C) a list of the names and addresses of all individuals having an ownership interest in the greyhound.

(4) If the owner is not an individual, the ownership entity must:

(A) designate a representative; or

(B) file an authorized agent form with the Commission and pay the prescribed fee.

(5) If the registered owner of a greyhound is a minor, a financial responsibility form approved by the executive secretary must be signed by the parent or guardian of the owner assuming financial responsibility for the debts incurred for the training and racing of the greyhound.

#### (b) Change of Ownership.

(1) If the owner of an interest in a greyhound housed on an association's grounds

## CHAPTER 311

transfers that interest to another person, both parties to the transaction shall give written notice of the transfer to the racing judges officiating for that association. Notice under this section must be submitted to the appropriate officials not later than 24 hours after the agreement to transfer the interest is made.

(2) A licensee of the Commission may not transfer an ownership interest in a greyhound to avoid disqualification of the greyhound.

### (c) Emergency License.

(1) If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a greyhound in a race may apply for an emergency owner's license on behalf of the absent owner.

(2) The trainer applying for an emergency owner's license on behalf of an absent owner must submit a written statement with the license application specifying the reasons the owner is unable to complete the application.

(3) The trainer applying for an emergency owner's license must submit at least the following information: the owner's full name, home or business address, and telephone number. At the time of application, the appropriate licensing fee must be paid to the Commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

(4) If an owner submits an incomplete application for an owner's license, the application will remain in pending status until:

(A) the owner submits any additional information required to process the application;

(B) the application expires in accordance with the term of the applied-for license; or

(C) a greyhound is entered in the owner's name or in the name of a multiple owner of which the owner is a member, in which case the pending license will be presumed to be a request for an emergency license.

(5) A license issued under this section expires on the 21st day after the date the

emergency owner's license is issued. An owner may obtain only one emergency license per year. An emergency license cannot be issued if the owner failed to complete the prior licensing process.

(d) Restrictions on Racing. An owner may not enter a greyhound or cause a greyhound to be entered in a race at a racetrack if:

(1) the owner knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state. This paragraph does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public;

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(3) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds. (Added eff. 10/21/99; (a),(c) amended eff. 1/8/04; (a),(c) amended eff. 3/20/08; (c) amended eff. 3/1/13; (d) amended eff. 5/30/13; (a), (c) amended eff. 10/19/15)

### Sec. 311.103. Kennel Owners.

(a) Designation of Representative. If a kennel owner is not the trainer of the greyhounds in the kennel, the kennel owner must:

(1) designate a trainer to be responsible for greyhounds; and

(2) shall notify the racing judges of the designation.

### (b) Kennel Employees.

(1) A kennel owner shall identify to the Commission licensing office all individuals employed by the kennel to work on association grounds. No later than 24 hours after a change in personnel occurs, the kennel owner shall notify the Commission licensing office of the change.

(2) An individual who is licensed to work for a kennel owner is not permitted in the kennel area on association grounds unless the licensee is employed by and doing work for a kennel owner on the association grounds. An individual in the

## OTHER LICENSES

kennel area who is not in the employ of and doing work for a kennel owner may be ejected from the kennel area.

(c) Owner Suspended. A kennel owner may not retain a greyhound in the kennel owner's care and custody if the Commission has suspended or revoked the license of the owner of the greyhound.

(d) Use of Texas-Bred Greyhounds.

(1) Except as otherwise provided by this section, a kennel owner shall ensure that at least 20% of the greyhounds on the active list of the kennel are accredited Texas-bred greyhounds.

(2) During the first two years in which a kennel is under contract with an association, the kennel owner shall ensure that the following percentage of the greyhounds on the active list are accredited Texas-bred greyhounds:

(A) for the first year, 5.0%; and

(B) for the second year, 10%.

(3) The racing secretary of an association shall maintain the records necessary to enforce this section. If the racing secretary determines that a kennel owner is in violation of this section, the racing secretary shall notify the racing judges. The racing judges may take disciplinary action against the kennel owner, including requiring the kennel owner to take the necessary action to achieve the appropriate percentages

(e) Restrictions on Placement in Kennels. A person who owns an interest in a kennel booked at one Texas racetrack may not:

(1) own an interest in another kennel booked at that racetrack;

(2) be residentially domiciled with a person who owns an interest in another kennel booked at that racetrack; or

(3) own an interest in a greyhound that is racing out of another kennel booked at that racetrack.

(f) Breeding farm inspection reports. Upon request of the executive secretary, a kennel owner shall provide a copy of the report of the most recent inspection conducted by the National Greyhound Association for the breeding farm from which each greyhound was whelped. (Added

eff. 10/21/99; (d) amended eff. 4/1/01; (e) amended eff. 1/1/02; (f) added 3/13/02; (e) amended eff. 5/6/12)

### Sec. 311.104. Trainers.

(a) Licensing.

(1) A trainer may enter a horse or greyhound in a race without first obtaining a license, but must obtain a license one hour prior to the post time of the first race of the day in which the trainer intends to race the horse or greyhound. Except as otherwise provided by this section, to be licensed by the Commission as a trainer, a person must:

(A) be at least 18 years old;

(B) submit a minimum of two written statements from licensed trainers, veterinarians, owners, or kennel owners, attesting to the applicant's character and qualifications;

(C) interview with the board of stewards or judges;

(D) satisfactorily complete a written examination prescribed by the Commission; and

(E) satisfactorily complete a practical examination prescribed by the Commission and administered by the stewards or racing judges or designee of the stewards or racing judges.

(2) Examinations.

(A) A \$50 non-refundable testing fee is assessed for administering the written and practical examinations. The fee is due and payable at the time the written examination is scheduled. If the applicant fails the written or practical examination, the applicant will be allowed to retake it once without an additional fee. The applicant must pay a \$50.00 non-refundable testing fee to schedule an examination after each retest. A minimum of 48 hours advance notice is required to reschedule an examination appointment without loss of the testing fee. An applicant who fails to timely reschedule an examination appointment must pay a new testing fee to reschedule the appointment. A steward or judge may waive the additional fee if, in the opinion of the steward or judge, the applicant shows good cause for the failure to timely reschedule an examination appointment.

## CHAPTER 311

(B) The standard for passing the written examination must be printed on the examination. An applicant who fails the written examination may not take the written examination again before the 90th day after the applicant failed the written examination. An applicant who fails the written examination for a second or any subsequent time may not reschedule the written examination for 180 calendar days after the last failure and the applicant must pay an additional \$50 non-refundable testing fee. After successful completion of the written exam an applicant has 365 calendar days to successfully complete the practical exam.

(C) An applicant who fails the practical examination may not reschedule the practical examination again before the 180th day after the applicant failed the practical examination. An applicant who fails the practical examination for a second time may not reschedule another practical examination for 365 calendar days after the day the applicant failed the second practical examination and the applicant must pay an additional \$50 non-refundable testing fee.

(D) The Commission may waive the requirement of a written and/or practical examination for a person who has a current license issued by another pari-mutuel racing jurisdiction. If a person for whom the examination requirement was waived demonstrates an inability to adequately perform the duties of a trainer, through excessive injuries, rulings, or other behavior, the stewards or racing judges may require the person to take the written and/or practical examination. If such a person fails the examination, the stewards or racing judges shall suspend the person's license for 90 days with reinstatement contingent upon passing the written and/or practical examination.

(3) A trainer must use the trainer's legal name to be licensed as a trainer. A trainer who is also an owner may use a stable name or kennel name in the capacity of owner.

(4) To be licensed as an assistant trainer,

a person must qualify in all respects for a trainer's license and be in the employ of a licensed trainer. An assistant trainer's license carries all the privileges and responsibilities of a trainer's license.

(b) Absolute Insurer.

(1) A trainer shall ensure the health and safety of each horse or greyhound that is in the care and custody of the trainer.

(2) A trainer shall ensure that a horse or greyhound that runs a race while in the care and custody of the trainer or kennel owner is free from all prohibited drugs, chemicals, or other substances.

(3) A trainer who allows a horse or greyhound to be brought to the paddock or lockout kennel warrants that the horse or greyhound:

(A) is qualified for the race;

(B) is ready to run;

(C) is in a physical condition to exert its best efforts; and

(D) is entered with the intent to win.

(c) Health Reports.

(1) A trainer shall immediately notify the Commission veterinarian or designee of unusual symptoms in a horse or greyhound that is in the trainer's care and custody.

(2) Not later than one hour after finding a dead horse or greyhound on association grounds, a trainer shall notify the stewards or racing judges and the Commission veterinarian, or their designee, of the death. In the absence of regulatory personnel, the trainer shall notify security personnel on the association grounds.

(d) Owner Suspended. A trainer may not retain a horse or greyhound in the trainer's care and custody if the Commission has suspended or revoked the license of the owner of the horse or greyhound.

(e) An individual who is licensed to work for a trainer is not permitted in the stable or kennel area on association grounds unless the licensee is employed by and doing work for a trainer on the association grounds. An individual in the stable or kennel area on association

## OTHER LICENSES

grounds who is not in the employ of and doing work for a trainer may be ejected from the stable or kennel area on the association grounds.

(f) Restrictions on Racing. A trainer may not enter a race animal or cause a race animal to be entered in a race at a racetrack if:

(1) the trainer knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state. This paragraph does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public;

(2) the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(3) the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

(g) Trainer Employees.

(1) A trainer may not employ an individual who is less than 16 years of age to work for the trainer on an association's grounds.

(2) A trainer may not employ a jockey to prevent the jockey from riding in a race.

(h) Trainer Absent. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards or racing judges for approval. The absent trainer and substitute trainer have joint responsibility for the condition of the race animals normally trained by the absent trainer.

(i) Suspended, Revoked or Ineligible Horse Trainers.

(1) A person may not assume the responsibilities of a horse trainer who is ineligible to be issued a license or whose license is suspended or revoked if the person is related to the trainer within the first degree of consanguinity or affinity.

(2) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible horse trainer may not:

(A) receive any compensation regarding those horses from the suspended, revoked or ineligible trainer;

(B) pay any compensation regarding those horses to the suspended, revoked or ineligible trainer;

(C) solicit or accept a loan of anything of value from the suspended, revoked or ineligible trainer; or

(D) use the farm or individual name of the suspended, revoked or ineligible trainer when billing customers.

(3) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer is directly responsible for all financial matters relating to the care, custody, or control of the horses.

(4) On request by the Commission, a suspended, revoked or ineligible trainer or a person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer shall permit the Commission to examine all financial or business records to ensure compliance with this section.

(j) Reporting to Clocker. When taking a horse onto a racetrack to work, a horse trainer or an assistant of the trainer shall report the horse's name and the distance to be worked to the morning clocker or an assistant clocker or shall instruct the jockey or exercise rider to transmit the information to the clocker or assistant clocker.

(k) Other Responsibilities - A trainer is responsible for:

(1) the condition and contents of stalls/kennels, tack rooms, feed rooms, and other areas which have been assigned by the association;

(2) maintaining the assigned stable/kennel area in a clean, neat and sanitary condition at all times;

(3) ensuring that fire prevention rules are strictly observed in the assigned stable/kennel area;

(4) training all animals owned wholly or in part by the trainer that are participating at the

## CHAPTER 311

the race meeting;

(5) ensuring that, at the time of arrival at a licensed racetrack, each animal in the trainer's care is accompanied by a valid health certificate/certificate of veterinary inspection;

(6) using the services of those veterinarians licensed by the Commission to attend animals that are on association grounds;

(7) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any animal in the trainer's charge;

(8) immediately reporting to the stewards/judges and the official veterinarian if the trainer knows, or has cause to believe, that a animal in the trainer's custody, care or control has received any prohibited drugs or medication;

(9) maintaining a knowledge of the medication record and status of all animals in the trainer's care;

(10) ensuring the fitness of an animal to perform creditably at the distance entered;

(11) ensuring that the trainer's horse is properly shod, bandaged and equipped; and

(12) reporting the correct sex of the horses in his/her care to the Commission veterinarian and the horse identifier. (Added eff.

10/21/99; (a) amended 1/1/03; (c),(f) amended eff. 1/8/04; (a) amended 3/20/08; (k) added eff. 3/20/08; amended eff. 7/14/09; (a) amended eff. 1/5/10; (k) amended eff. 3/6/12; (f) amended eff. 5/30/13; (a) amended eff. 11/2/15)

### **Sec. 311.105. Jockeys.**

#### (a) License

(1) To be licensed as a jockey or apprentice jockey, an individual must be at least 16 years of age and provide proof of a satisfactory physical examination as described in subsection (b) of this section.

(2) An individual licensed as a jockey or apprentice jockey may not be licensed in another capacity.

(3) To be licensed as a jockey or apprentice jockey, an individual must have a certificate of proficiency issued by a starter licensed in this state or be currently licensed in another state as a jockey or apprentice jockey.

#### (b) Physical Examination.

(1) To be eligible to ride in a race, a jockey or apprentice jockey must have on file with the Commission proof of a satisfactory physical examination conducted during the 12-month period preceding the date of the race.

(2) An examination required by this section must be performed by a licensed physician and include tests for visual acuity and hearing.

(3) The Commission or the stewards may require a jockey or apprentice jockey to be reexamined at any time and may refuse to permit a jockey or apprentice jockey to ride until proof of a satisfactory examination is submitted.

#### (c) Apprentice Jockeys.

(1) An apprentice jockey is a rider of thoroughbreds who:

(A) is permitted to ride with the apprentice weight allowance in accordance with Chapter 313 of this title (relating to Officials and Rules of Horse Racing); and

(B) is otherwise qualified to be licensed as a jockey.

(2) The Rules relating to a jockey apply to apprentice jockeys.

#### (d) Jockey Conduct.

(1) A jockey may not ride under an assumed name.

(2) A jockey may not use an attendant on a race day other than one supplied by the association.

(3) A jockey may not smoke in public while wearing racing colors. (Added eff. 10/21/99)

### **Sec. 311.106. Veterinarians.**

To be eligible to be licensed by the Commission and hold a license as a veterinarian, an individual must be currently licensed and in good standing with the Texas State Board of Veterinary Medical Examiners. (Added eff. 10/21/99; amended eff. 11/8/04; (a), (b), (c) amended eff. 3/20/08)

### **Sec. 311.107. Lessee/Lessor.**

(a) A race animal may be raced under lease provided a completed lease form is attached to the registration certificate and is on file with the racing secretary.

(b) The lessee and lessor of a horse or greyhound for racing purposes must obtain an

## OTHER LICENSES

owner's license in accordance with §311.101(a) of this title (relating to Horse Owners) and §311.102(a) of this title (relating to Greyhound Owners). (Added eff. 10/21/99; (a) amended eff. 1/8/04)

### **Sec. 311.108. Authorized Agent.**

(a) To be appointed an authorized agent, an individual must be at least 18 years old and licensed as an individual owner, stable foreman, assistant trainer, or a trainer. A written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the Commission and shall define the agent's powers and limits. The authorization must be signed by the principals and the agent.

(b) A separate agency appointment is required for each principal an authorized agent intends to represent.

(c) An agency appointment expires on the last day of the twelfth month after the date of appointment or when the principal submits written notice of revocation to the stewards or racing judges, whichever occurs first. (Added eff. 10/21/99; (a),(b) amended eff. 1/8/04; (a) amended eff. 3/20/08)

### **Sec. 311.109. Mutuel Employees.**

To be licensed as a mutuel clerk or other employee of the mutuel department of an association, an individual must be at least 16 years old. (Added eff. 10/21/99)

### **Sec. 311.110. Leadout.**

(a) To be licensed as a leadout, an individual must demonstrate to the satisfaction of the Commission veterinarian that the individual is knowledgeable in the handling and/or care of greyhounds.

(b) A leadout shall be dressed in a clean uniform for each performance, present a neat appearance, and behave in an orderly manner.

(c) A leadout may not smoke while in uniform.

(d) a leadout may not own an interest in

a greyhound registered at the association for which the leadout is employed.

(e) Except in the leadout's lounge, a leadout may not consume or carry food or beverages while the leadout is on duty. (Added eff. 10/21/99)

### **Sec. 311.111. Jockey Agent.**

(a) Eligibility.

(1) An applicant for a license as a jockey agent shall:

(A) demonstrate to the stewards that the applicant has a contract for agency with at least one jockey who has been licensed by the Commission; and

(B) be qualified, as determined by the stewards or other Commission designee, by reason of experience, background and knowledge. A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:

(i) a written examination; or

(ii) an interview or oral examination.

(2) Applicants not previously licensed as a jockey agent shall be required to pass a written and oral examination.

(b) Limit on Contracts.

(1) During a thoroughbred or mixed race meet a jockey agent may serve as agent for no more than two jockeys and one apprentice jockey.

(2) During a quarter horse meet a jockey agent may serve as agent for no more than three jockeys.

(c) Responsibilities.

(1) A jockey agent shall not make or assist in making engagements for a jockey other than those the agent is licensed to represent.

(2) A jockey agent shall file written proof of all engagements and changes of engagements with the stewards.

(3) A jockey agent shall maintain current and accurate records of all engagements made, such records being subject to examination by the stewards at any time.

(4) A jockey agent may make entries for an owner or trainer with prior permission from

## CHAPTER 311

### Sec. 311.211. Weapons Prohibited.

(a) Except as otherwise provided by this section, a person may not possess a weapon prohibited by Penal Code, §46.03(a) if the person is in an area on association grounds to which admission ordinarily can be obtained only on payment of an admission fee or presentation of official credentials.

(b) This section does not apply to a person who is:

- (1) a peace officer; or
- (2) a commissioned security officer licensed by the Texas Commission on Private Security Agencies and approved by the executive secretary. (Added eff. 10/21/99; (b) amended eff. 1/8/04; (a) amended eff. 9/28/05)

### Sec. 311.212. Duty to Wear Badge.

(a) Except as otherwise provided by this section, a licensee shall display his or her license badge in a conspicuous place on his or her body at all times that the licensee is engaged in performing duties or is in a restricted area.

(b) This section does not apply to a licensee who is:

- (1) performing duties as an assistant starter; or
- (2) mounted on a horse. (Added eff. 10/21/99; (a), (b) amended eff. 3/20/08)

### Sec. 311.213. Accident Reports.

(a) A licensee who observes or is involved in an accident that occurs on association grounds during a race meeting and that results in an injury to a person or race animal shall report the accident to the association.

(b) A report under this section must be made not later than 24 hours after the time the accident occurred. (Added eff. 10/21/99)

### Sec. 311.214. Financial Responsibility.

(a) This section applies to the financial responsibility of licensees of the Commission for debts legally owed for the transfer, purchase or lease of a race animal or for services or supplies relating to the care, transportation, or maintenance provided to a race animal while

racing or in training at a licensed facility in this state. Services and supplies to which this section applies include, but are not limited to:

- (1) veterinary services, medication, and veterinary supplies;
- (2) transportation services;
- (3) farrier services and supplies;
- (4) feed and nutritional supplements; and
- (5) racing supplies.

(b) The Commission finds that the failure of a licensee of the Commission to pay a debt that is legally owed for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a) is:

- (1) an activity or practice that is detrimental to the best interests of the public and the sport of pari-mutuel racing; and
- (2) grounds for denial, suspension, or revocation of the licensee's license.

(c) For a debt that is legally owed for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a), a licensee may not:

- (1) willfully or intentionally refuse to pay the debt; or
- (2) falsely deny the validity of the debt with the intent to defraud the person to whom the debt is owed.

(d) A person to whom a debt for the transfer, purchase or lease of a race animal or a service or supply described in subsection (a) is owed may file with the executive secretary a certified copy of a judgment of a court of competent jurisdiction that verifies the validity of the debt. On receipt of a judgment under this subsection, the executive secretary may initiate formal disciplinary action against the licensee involved. The executive secretary has sole discretion to determine whether formal disciplinary action is initiated against the licensee.

(e) At a hearing to deny, suspend, or revoke a licensee's license for a violation of this section, the person to whom the debt is owed is not entitled to reimbursement of travel expenses or any witness fees for attendance at the hearing. (Added eff. 0/21/99; (a) amended eff. 3/20/08)

## OTHER LICENSES

### Sec. 311.215. Contraband.

(a) The following items are contraband on a racetrack or association grounds:

(1) a criminal instrument related to racing under the Act;

(2) an electrical shocking device, spur, or similar device or paraphernalia designed to increase or decrease the speed of a race animal or to unnaturally depress, stimulate, or excite a race animal;

(3) a device prohibited under §319.10 of this title (relating to Devices and Substances Prohibited), including a hypodermic syringe or hypodermic needle;

(4) a deadly weapon prohibited under §311.211 of this title (relating to Weapons Prohibited);

(5) a drug, chemical, or other substance prohibited under:

(A) §319.3 of this title (relating to Medication Restricted);

(B) §319.7 of this title (relating to Labeling Requirements);

(C) §319.10 of this title (relating to Devices and Substances Prohibited); or

(D) §319.14 of this title (relating to Possession of Controlled Substances); and,

(6) an alcoholic beverage prohibited under §311.321 of this title (relating to Prohibited Conduct).

(b) No person may possess an item of contraband at any time while on a racetrack or association grounds. It is an affirmative defense to a rule violation under this subsection that:

(1) Commission rules expressly state the item was not contraband; or

(2) the possession was expressly authorized on a racetrack or association grounds by the Act or the Rules. (Added eff. 10/21/99; (a) amended eff. 1/7/01)

### Sec. 311.216. Conduct in Stable Area.

(a) An individual may not sleep in the stable area of an association's grounds except:

(1) in a facility provided for that purpose by the association in accordance with the Rules;

(2) in a barn that was constructed after 1990 of fire retardant materials; or

(3) in a tack room that was constructed after 1990 of fire retardant materials, provided the tack room has a window that opens.

(b) A licensee may not possess, keep, or maintain a dog in the stable area of an association's grounds unless:

(1) the dog is confined and prevented from going at large on association grounds; and

(2) the dog is currently vaccinated against rabies.

(c) A licensee who is mounted on a horse or stable pony on association grounds must wear a safety helmet meeting the requirements of §311.218 of this title (relating to Safety Equipment) at all times.

(d) A licensee may not hold a horse in a starting gate unless the licensee wears properly fastened safety helmet meeting the requirements of §311.218 of this title.

(e) Except as otherwise provided by this subsection, a licensee may not operate a motor vehicle in the stable area during training hours. This subsection does not apply to:

(1) a person who has power of entry under the Act, §3.03;

(2) the stewards;

(3) security personnel employed by the association;

(4) the Commission veterinarian;

(5) the racing secretary;

(6) a veterinarian licensed by the Commission;

(7) an owner or a trainer;

(8) a jockey's agent at a Class 1 racetrack;

(9) a farrier; or

(10) a jockey. (Added eff. 10/21/99; (b) amended eff. 1/8/04; (c) amended eff. 3/20/08; (c), (d) amended eff. 10/19/15)

### Sec. 311.217. Greyhound Training.

(a) A person may not use a live or dead animal or fowl to train a greyhound, or send a greyhound to a facility located in this state or out of state for the purpose of being trained using a live or dead animal or fowl. Such activities and

## CHAPTER 311

practices are detrimental to the best interests of a racing animal and the racing industry.

(b) This section does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public. (Added eff. 5/30/13)

### **§311.218. Safety Equipment.**

(a) Helmets. Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting crew means any person licensed as an assistant starter or any licensee who handles a horse in the starting gate. The helmet must comply with one of the following minimum safety standards or later revisions:

- (1) American Society for Testing and Materials (ASTM1163);
- (2) UK Standards (EN-1384 and PAS-015); or
- (3) Australian/New Zealand Standard (AS/NZ 3838).

(b) Vests. Any licensee mounted on a horse or stable pony on the association grounds must wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any licensee who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards or later revisions:

- (1) British Equestrian Trade Association (BETA):2000 Level 1;
- (2) Euro Norm (EN) 13158:2000 Level 1;
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or

(5) Australian Racing Board (ARB) Standard 1.1998.

(c) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced. (Added eff. 10/19/15)

## **Subchapter D. Alcohol and Drug Testing**

### **Division 1. Drugs**

#### **Sec. 311.301. Use and Possession Prohibited.**

(a) Except as otherwise provided by this section, an occupational licensee may not, while performing duties required of the licensee, have present in his or her system a dangerous drug as defined by the Health and Safety Code, Chapter

*This space intentionally left blank.*

## OTHER LICENSES

*This space intentionally left blank.*

## CHAPTER 313

(3) if the horse is to start for the first time:

(A) be approved by a licensed starter for proficiency in the starting gate within 90 days of the race entered; and

(B) have two published workouts, one within 90 days and one within 60 days of the race entered.

(b) A horse that has been barred in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.

(c) To be eligible to enter a Texas-Bred race, the horse must be an accredited Texas-bred horse and be registered with the appropriate breed registry.

(d) A horse may not be entered in more than one race scheduled for one race day, unless at least one of the races is a stakes race.

(e) A horse may not start in a stakes race unless:

(1) the nominating, sustaining, entry, and starting fees have been paid in full by cash, cashier's check, certified check, or money order on or before the time specified in the conditions of the race; or

(2) the amount of the applicable fees are on account with the horsemen's bookkeeper at the time the fees are due as specified by the conditions of the race.

(f) Except as otherwise provided by this section for first-time starters, to be eligible to start in a race, a horse must have either started in a race or had a published workout in the 60-day period preceding a race.

(g) To be entered in a race around a turn for the first time, a quarter horse, paint horse, or appaloosa must:

(1) have a published workout around a turn at a minimum distance of 660 yards in the 60-day period preceding the race; and

(2) be approved by the clocker, the outrider and, if the horse is worked from the gate, the starter.

(h) To be eligible to start in a race, a horse must be properly tattooed and the horse's

registration certificate, or certificates if dually registered, showing the tattoo number of the horse must be on file with the racing secretary before scratch time for the race, unless the stewards authorize the certificate or certificates to be filed at a later time. (Added eff. 8/30/89; (a) amended eff. 1/10/90; (f) added eff. 1/10/90; (a), (b), (d) amended eff. 10/11/90; (e) added eff. 10/11/90; (a), (f) amended eff. 8/3/92; (g) added 8/3/92; (f) amended eff. 9/1/93; (g) amended eff. 11/1/93; (g) amended eff. 11/1/94; (a) amended eff. 6/1/95; (h) added eff. 6/1/95; (f) amended eff. 2/4/97; (a),(f),(g),(i) amended eff. 10/30/00; (a), (f), (g), (h) amended eff. 7/12/12; (g) amended eff. 3/6/14)

### Sec. 313.104. Registration Certificates.

(a) A certificate of registration or eligibility certificate filed with an association to establish eligibility of a horse to be entered in a race must accurately reflect the correct and true ownership of the horse. The stewards may authorize the entry of a horse with a pending transfer.

(b) The name of the owner printed on the program must conform to the ownership declared on the certificate of registration or eligibility certificate, unless a stable name has been registered for the owner.

(c) An individual may not alter or forge a certificate of registration, certificate of eligibility, or other document relating to ownership or registration.

(d) The racing secretary shall ensure that registration certificates are secured in a manner that prevents access by unauthorized individuals.

(e) Not later than 24 hours after a trainer brings a horse on to association grounds, the trainer shall register the horse with the racing secretary.

(f) If a horse is dually registered and entered in a claiming race, both certificates of registration must be in the racing secretary's office. (Added eff. 8/30/89; (a) amended eff. 6/15/97; (a) amended eff. 10/30/00; (f) added eff. 7/12/12)

### Sec. 313.105. Changes in Ownership.

(a) All entries and rights of entry survive when a horse is sold with engagements duly transferred. If a horse is sold with engagements, the seller may not strike the horse out of the engagements.

## OFFICIALS AND RULES OF HORSE RACING

(b) An entry or right of entry remains valid on the death of the nominator unless the conditions of the race state otherwise. (Added eff. 8/30/89)

### **Sec. 313.106. Closing Entries.**

(a) The racing secretary shall close entries at the advertised time and may not accept any entries after that time. The racing secretary may postpone the closing of overnight races.

(b) After entries are closed, an entry may not be altered, other than to correct an error.

(c) If the number of entries exceeds the number of horses that may start in a race, due to track limitations, the racing secretary may split the race and the starters will be determined by lot.

(d) If a race is canceled because of insufficient entries, the racing secretary may split any overnight race or write a substitute race in place of the canceled race. Where an overnight race is split, forming two or more separate races, the racing secretary shall give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to such split races.

(e) The owner or trainer of a horse that has been entered in a race who does not wish the horse to participate in the race must withdraw the horse from the race before entries are closed. (Added eff. 8/30/89; (d) amended eff. 6/15/97; (d) amended eff. 10/30/00; (d) amended eff. 1/5/10)

### **Sec. 313.107. Draw for Post Position.**

(a) After the entries are closed, the racing secretary shall designate two people who are owners, trainers, or racing officials to draw the entry sheets and post position numbers.

(b) The draw shall be held in public. A horse drawn is entitled to a position at the post corresponding to the number drawn.

(c) No later than scratch time or at the draw if there is no scratch time, the owner or trainer of the horse shall designate the jockey who will ride the horse in the race. (Added eff. 8/30/89; (a) amended eff. 10/11/90; (c) amended eff. 9/30/91; (b) amended eff. 10/30/00)

### **Sec. 313.108. Preferred List.**

(a) The racing secretary shall maintain a preferred list of entered horses eliminated from starting by a surplus of entries.

(b) The racing secretary shall update daily the preference designation for each horse, based on the races for which the horse has been entered, started, or scratched. A trainer or owner may file a claim of error in the preferred list with the racing secretary.

(c) The racing secretary may not use the "star system" of recording preferences.

(d) An "in today" horse has least preference. (Added eff. 8/30/89; (b) amended eff. 10/11/90; (b) amended eff. 10/30/00; (d) added 4/4/05)

### **Sec. 313.109. Change in Conditions.**

After the racing secretary has received an entry to a race for which conditions have been published, the secretary may not change or supplement the conditions for the race. (Added eff. 8/30/89)

### **Sec. 313.110. Coupled Entries.**

(a) Not more than two horses that have common interests through ownership, training, or lease may be entered in an overnight race, unless the race is divided.

(b) If two horses entered in a race are owned in whole or in part by the same individual or entity, the entry shall be coupled as a single wagering interest.

(c) In stakes races, the stewards may allow two or more horses owned in whole or in part by the same individual or entity to race as separate wagering interests. (Added eff. 8/30/89; (a), (b), (c) amended eff. 10/11/90; (a),(b) amended eff. 10/30/00; (b) amended eff. 4/4/05; (b) amended eff. 6/12/11; (b) amended eff. 6/12/11; (c) added eff. 7/7/14; (c) amended eff. 11/2/15)

### **Sec. 313.111. Age Restrictions.**

(a) A yearling is not eligible to start in a race.

(b) A two-year old horse may not start in a pari-mutuel race in Texas before March 1.

(c) A racing secretary may not schedule:

(1) a race for two-year old quarter horses longer than 350 yards before May 1 or longer than 400 yards before August 1; or

(2) a race for two-year old thoroughbreds longer than 4 1/2 furlongs before May 1 or at one

## CHAPTER 313

(2) excessively or brutally causing welts or breaks in the skin;

(3) in the post parade except when necessary to control the horse;

(4) when the horse is clearly out of the race or has obtained its maximum placing; or

(5) persistently, if the horse is not responding to the whip.

(e) A jockey may not ride in a race unless the jockey wears a safety vest meeting the requirements of §311.218 of this title (relating to Safety Equipment). A safety vest may weigh no more than two pounds.

(Added eff. 8/30/89; (a) amended eff. 10/11/90; (a), (b), (d) amended eff. 5/15/93; (e) added eff. 9/1/93; (e) amended eff. 3/4/94; (e) amended eff. 4/4/05; (e) amended eff. 10/19/15)

### Sec. 313.406. Colors and Number.

(a) A horse starting in a race must carry a conspicuous saddle cloth number corresponding to its number in the official program. Quarter Horses, Paints, and Appaloosas shall, and Thoroughbreds and Arabians may, wear head numbers that correspond to their numbers in the official program. The Stewards may waive the requirement for a horse to wear a head number in the interest of safety or in the case of missing or damaged equipment.

(b) The jockey for a horse starting in a race shall be properly attired for riding in the race and wear:

(1) the racing colors provided by the owner of the horse the jockey is to ride, plus white riding pants, boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth, head number if provided, and in the official program; and

(2) a safety helmet meeting the requirements of §311.218 of this title (relating to Safety Equipment).

(c) If an owner does not have colors, the jockey shall wear colors provided by the association.

(Added eff. 8/30/89; (d) added eff. 1/10/90; (a), (b), (c) amended eff. 10/11/90; amended eff. 2/10/98; (a),(b) amended eff. 10/30/00; (a)-(b) amended eff. 1/5/10; (a), (b) amended eff. 10/19/15)

### Sec. 313.407. Duty to Fulfill Jockey Engagements.

(a) Except as otherwise provided by this section, a jockey engaged for a certain race or for a specified time may not fail or refuse to abide by the engagement agreement, unless excused by the stewards.

(b) A jockey may be excused by the stewards from fulfilling the jockey's riding engagements if:

(1) the jockey believes the horse he or she is to ride is unsafe, or the racecourse he or she is to ride on is unsafe; or

(2) the jockey is ill or injured.

(c) The stewards may require a jockey who is excused from fulfilling a riding engagement because of illness or injury to pass a physical examination conducted by a licensed physician before resuming race riding.

(d) A trainer or owner may demand a written confirmation of an engagement from a jockey or jockey agent.

(e) The stewards shall decide conflicting claims for the services of a jockey. (Added eff. 8/30/89; (a), (d), (e), amended eff. 10/11/90' (b), (c) added eff. 10/11/90; (c) amended 10/30/00)

### Sec. 313.409. Jockey Mount Fees.

(a) If a jockey and owner or trainer reach an agreement regarding the fee to be paid a jockey, the parties to the agreement shall ensure that a written agreement, signed by the parties, is delivered to the horsemen's bookkeeper before post time of the race in which the jockey is to ride. The agreement must state the agreed upon fee for a winning mount, a second place mount, a third place mount, and a losing mount.

(b) After a race, the horsemen's bookkeeper shall debit the owner's account for the amount of the appropriate jockey mount fee as specified in the written agreement. If there is no written agreement, the horsemen's bookkeeper shall debit the owner's account for the appropriate jockey mount fee specified in subsection (c) of this section.

(c) In the absence of a written agreement,

the following jockey mount fees apply:

Purse	Winning Mount	Second Mount	Third Mount	Fourth Mount	Losing Mount
Up to \$4,999	10% Win Purse	\$70	\$60	\$58	\$50
\$5,000 - \$9,999	10% Win Purse	\$80	\$65	\$63	\$55
\$10,000 - \$14,999	10% Win Purse	5% Place Purse	\$75	\$68	\$60
\$15,000 - \$24,999	10% Win Purse	5% Place Purse	5% Show Purse	\$75	\$70
\$25,000 - \$49,999	10% Win Purse	5% Place Purse	5% Show Purse	\$80	\$75
\$50,000 - \$99,999	10% Win Purse	5% Place Purse	5% Show Purse	5% Fourth Place Purse	\$90
\$100,000 and up	10% Win Purse	5% Place Purse	5% Show Purse	5% Fourth Place Purse	\$110

(d) A jockey mount fee is considered earned by a jockey when the jockey is weighed-out by the clerk of scales, except:

(1) when a jockey elects to take himself or herself off a mount; and

(2) when the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

(e) If the jockey does not weigh-out because the owner or trainer replaces the jockey with another jockey, the owner or trainer shall pay the appropriate fee to each jockey engaged for the race unless otherwise authorized by the stewards. The fee to be paid is equal to that earned by the jockey who rode the horse.

(f) A horse may not start in a race unless the horse's owner has on deposit with the horseman's bookkeeper sufficient funds to pay the losing jockey mount fee prescribed by this section or by a written agreement filed under subsection (a) of this section.

(g) If the fee due to a jockey in a stakes race is \$5,000 or more, the horsemen's bookkeeper

may hold such fee in escrow until post-race testing is completed and action by the Commission releases the purse for that race, at which time the appropriate payment of the escrowed fee shall be made. (Added eff. 8/30/89; (c), (e) amended eff. 7/12/12)

### Sec. 313.411. Suspended Jockeys.

(a) Before opening day of a race meeting, the stewards shall designate the stakes or other races at that meeting in which a jockey will be permitted to compete, notwithstanding the fact that the jockey is under suspension for ten days or less for a riding infraction at the time the designated race is to be run.

(b) Official rulings for riding infractions of ten days or less must state: "The term of this suspension does not prohibit participation in designated races."

(c) The stewards shall post a list of the designated races in the jockeys' room, racing office, and any other place determined to be appropriate by the stewards.

(d) A suspended jockey must be named at time of entry to participate in any designated race.

(e) A day in which a jockey participated in one designated race while on suspension does not count as a suspension day. (Added eff. 10/11/90; (c) amended 10/30/00)

## Division 2. Pre-Race Procedure

### Sec. 313.421. Horses to Pre-Race Holding Area.

(a) The trainer of a horse entered in a race must ensure that the horse is present in the pre-race holding area at the time designated by the stewards.

(b) The commission veterinarian shall report to the stewards the failure of a horse to report to the pre-race holding area at the appropriate time. The stewards may scratch a horse from the race if the horse is reported under this subsection.

(c) Except on permission of the stewards, blinkers may not be placed on a horse until after the horse has been identified by the horse identifier. (Added eff. 8/30/89; (a), (b) amended eff. 10/11/90; (c) added eff. 10/11/90; (b) amended eff. 10/30/00)

# CHAPTER 315. OFFICIALS AND RULES FOR GREYHOUND RACING

## Subchapter A. Officials

### Division 1. Appointment of Officials

Sec. 315.1. Required Officials.....	223
Sec. 315.2. Racing Judges.....	223
Sec. 315.3. Substitute Officials.....	223
Sec. 315.4. Dual Appointments.....	224
Sec. 315.5. General Duties.....	224

### Division 2. Duties

Sec. 315.31. Racing Judges.....	224
Sec. 315.32. Commission Veterinarian.....	225
Sec. 315.33. Paddock Judge.....	225
Sec. 315.34. Starter.....	226
Sec. 315.35. Clerk of Scales.....	226
Sec. 315.36. Mutuel Manager.....	226
Sec. 315.37. Racing Secretary.....	226
Sec. 315.38. Assistant Racing Secretary.....	227
Sec. 315.39. Chart Writer.....	227
Sec. 315.40. Kennel Master.....	227
Sec. 315.41. Photofinish Operator and Timer.....	227
Sec. 315.42. Association Veterinarian.....	227
Sec. 315.43. Track Superintendent.....	227
Sec. 315.44. Brakeman.....	228

## Subchapter B. Entries and Pre-Race Procedures

Sec. 315.101. Registration.....	228
Sec. 315.102. Entry Procedure.....	228
Sec. 315.103. Eligibility to Enter or Start.....	229
Sec. 315.104. Sales and Transfers.....	229
Sec. 315.105. Stakes Race.....	229
Sec. 315.106. Liability for Fees in Stakes Races.....	230
Sec. 315.107. Payments of Nominating, Sustaining and Starting Fees.....	230
Sec. 315.108. Qualifying Time.....	230
Sec. 315.109. Objection to Entry.....	230
Sec. 315.110. Scratches.....	231
Sec. 315.111. Schooling.....	231
Sec. 315.112. Ineligibility Due to Improper Greyhound Training.....	231

## Subchapter C. Race Procedures

Sec. 315.201. Racing Weight.....	232
Sec. 315.202. Changes in Established Weight.....	232
Sec. 315.203. Placement in Lockout.....	232
Sec. 315.204. Paddock to Post.....	232
Sec. 315.205. Equipment.....	233

Sec. 315.206. Operation of Lure.....	233
Sec. 315.207. Leaving the Course. ....	233
Sec. 315.208. Interference. ....	233
Sec. 315.209. No Race.....	233
Sec. 315.210. Prize Distribution in Dead Heats.....	233
Sec. 315.211. Objections. ....	233

**Subchapter D. Greyhound Breeding Farms**

Sec. 315.250. Standards for Greyhound Breeding Farms.....	234
---	-----

**Sec. 315.110. Scratches.**

(a) A greyhound may be scratched from a race only with the approval of the racing judges. A request to scratch a greyhound may be made only by the kennel owner or trainer. The request must be filed with the racing secretary at least 30 minutes before the time designated for the drawing of post positions or the time designated by the racing secretary.

(b) A scratch that occurs as a result of a violation of a racing rule carries a penalty and/or suspension of the greyhound for six race days. The racing judges shall review the cause for a scratch and may take disciplinary action. If a greyhound is scratched because the kennel owner or trainer of the greyhound fails to have the greyhound at the paddock at the appointed time for weighing-in, the racing judges may impose disciplinary action against the person responsible.

(c) If three or more greyhounds are withdrawn or scratched from a race, the racing judges may cancel the race.

(d) The racing judges may scratch a greyhound from a race if they determine circumstances exist which would prevent the greyhound from making its best effort, the greyhound may not legally participate in the race, or the participation of the greyhound would negatively effect the competitiveness of the race or the wagering public.

(e) A greyhound that is withdrawn from a race after the overnight entries are closed is considered a scratch and must be examined by the commission veterinarian before the first race of the performance in which the greyhound was scheduled to start. (Added 10/11/90; (a),(b) amended eff. 10/30/00; (a),(b),(d) amended eff. 4/4/05)

**Sec. 315.111. Schooling.**

(a) A greyhound that has never raced must be properly schooled at least twice in the presence of the racing judges and must, in the opinion of the racing judges, be sufficiently experienced before the greyhound may start in a race. A greyhound that has not had an official start in 10 racing days must participate in an official

schooling race at its established weight to be eligible to enter the race. A greyhound that has not raced officially for more than thirty days must school at least twice.

(b) All schooling races shall be at a distance not less than three-sixteenths of a mile unless otherwise approved by the judges.

(c) A greyhound that transfers from a racetrack outside of Texas must school at least once before it may start in a race other than a stakes or futurity race. A greyhound that transfers from a Texas racetrack may start in a race without additional schooling if the greyhound has raced in the ten racing days preceding the race. A greyhound that has not raced officially for more than thirty days must school at least twice.

(d) To be official, at least six greyhounds must race in a schooling race, except by permission of the racing judges. Leadouts must be used in an official schooling race, and the greyhounds must race at their established racing weight and start from the box wearing blankets. The association shall provide photofinish equipment for official schooling races.

(e) Hand schooling is not official schooling.

(f) The racing judges may place a greyhound on the official schooling list at any time. A greyhound on the official schooling list must be schooled officially and satisfactorily before being eligible to enter.

(g) If the racing judges determine that a greyhound has fallen or been involved in a serious jam in a race, the racing judges may require the greyhound to be schooled officially and satisfactorily before being eligible to enter.

(Added 10/11/90; (c) amended eff. 10/15/95; (a) amended eff. 1/3/96; (a), (c),(d) amended eff. 4/4/05; (b) amended eff. 10/19/15)

**Sec. 315.112. Ineligibility Due to Improper Greyhound Training.**

(a) The board of racing judges may ban a greyhound for life from being kenneled or participating in racing on association grounds if it finds that the greyhound has been trained at any facility that has engaged in any detrimental practice related to the training of greyhounds using a live or dead animal or fowl.

## OFFICIALS AND RULES FOR GREYHOUND RACING

(b) This section does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public. (Added eff. 5/30/13)

### Subchapter C. Race Procedures

#### Sec. 315.201. Racing Weight.

(a) Before a greyhound may school or race at a racetrack, the owner or trainer must establish the racing weight for the greyhound with the clerk of scales.

(b) Each greyhound entered in a race in a performance must be weighed in by the prescribed time approved by the racing judges.

(c) The greyhound's kennel owner, trainer, assistant trainer or kennel helper shall deliver the greyhound to the weighing-in room in sufficient time to have the greyhound weighed in in accordance with this section.

(d) If a greyhound's weight at weigh-in varies from the greyhound's established racing weight by more than 1 1/2 pounds, the racing judges shall scratch the greyhound.

(e) If a greyhound's weight at weigh-in varies by more than two pounds from the greyhound's weight at weigh-in for the greyhound's previous race, the racing judges shall scratch the greyhound.

(f) Except as otherwise provided by this subsection, if a greyhound at weigh-out has lost more than two pounds while in the lockout kennel, the racing judges shall scratch the greyhound. If the commission veterinarian certifies that the greyhound's weight loss does not impair the racing condition of the greyhound, the racing judges may permit the greyhound to race.

(g) A greyhound that is scratched from a race because of overweight or underweight shall be suspended for six race days and must officially school before starting in a race. A greyhound scratched under this subsection may school during the term of the suspension.

(Added 10/11/90; (b), (c) amended eff. 4/4/05)

#### Sec. 315.202. Changes in Established Weight.

(a) A kennel owner or trainer for a greyhound may change the established racing weight for a greyhound by filing a written request for the change and obtaining written consent of the racing judges. The greyhound may not race at the new weight before the third day after the date the racing judges consent. A weight change at an official schooling race goes into effect on approval of the racing judges.

(b) A greyhound that is granted a change of more than one pound in established racing weight must school twice at the new weight, and more if ordered by the racing judges, before being eligible to start at the new weight.

(c) The racing judges may weigh a greyhound entered in a race at any time after entry until post time for the race. (Added 10/11/90; amended eff. 4/4/05)

#### Sec. 315.203. Placement in Lockout.

Immediately after being weighed in, a greyhound shall be placed in the lockout kennel under the supervision of the paddock judge. Only the paddock judge, commission veterinarian, kennel master, clerk of scales, leadout, racing judge, or representative of the Commission may enter the lockout kennel. A kennel owner or trainer may accompany a greyhound into the lockout kennel under the direct supervision of a racing judge or a designee of the racing judges. (Added 10/11/90)

#### Sec. 315.204. Paddock to Post.

(a) A greyhound must be exhibited in the paddock before post time of the race in which the greyhound is entered.

(b) A greyhound may be led from the paddock to the starting box only by a licensed leadout provided by the association. The leadout shall place the greyhound in the proper box and retire to the assigned place. The association shall provide one leadout for each greyhound in the race.

(c) While leading a greyhound from the paddock to the starting box or returning from the

## CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

### Subchapter A. General Provisions

#### Sec. 319.1. Purpose and Definitions.

(a) The purpose of this chapter is to protect the integrity of horse and greyhound racing, to ensure the health of race animals, and to safeguard the interests of the public and the participants in racing through the prohibition and control of all prohibited drugs, chemicals, and other substances.

(b) For purposes of this chapter, "prohibited drugs, chemicals, or other substances" means:

(1) any stimulants, depressants, tranquilizers, local anesthetics, drugs, other drug metabolites which could affect the health or performance of a race animal, however minimal, except as expressly permitted by this chapter;

(2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter;

(3) a substance present in the race animal in excess of a concentration at which such a substance could occur naturally; and

(4) drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the health or performance of a race animal, however minimal, or quantitation of drugs permitted by this chapter. (Added 8/14/89; (b) added eff. 11/1/98; (b) amended eff. 10/19/15)

#### Sec. 319.2. Treatment Restricted.

(a) Except as otherwise provided by this section, a person other than a veterinarian licensed by the commission may not administer a medication to a race animal that is entered in a race or that is located on an association's grounds.

(b) This section does not apply to the administration of:

(1) a recognized nutritional supplement or other substance approved by the commission

veterinarian; or

(2) a noninjectable substance on the direction or by prescription of a licensed veterinarian.

(Added eff. 8/14/89; (a), (b) amended eff. 11/29/90; (a), (b) amended eff. 5/7/91; (b) amended eff. 11/1/98)

#### Sec. 319.3. Medication Restricted.

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(b) Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The approved tolerance level shall be published on the list of therapeutic drugs posted under subsection (c) of this section.

(c) Levels of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(d) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, by oral or topical administration, by rectal infusion or suppository, by nasogastric intubation, or by inhalation, and any other means during the 24-hour period before the post time for the race in which the animal is entered.

(e) A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected before or after the running of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was administered to the animal and was carried in the body of the animal while participating in a

## VETERINARY PRACTICES AND DRUG TESTING

race. (Added eff. 8/14/89; (a), (f), (g) amended eff. 11/29/90; (h) added eff. 11/29/90; (b) amended 4/3/91; (h) deleted eff. 11/22/91; (d), (f) amended eff. 8/3/92; amended eff. 11/1/98; (c) amended eff. 11/1/01; (b) amended eff. 12/8/11; (b) deleted, previous (c) & (d) amended and renumbered, previous (e) & (f) renumbered, eff. 1/1/14)

### Sec. 319.4. Veterinarians.

(a) A greyhound racetrack shall employ at least one association veterinarian to perform the duties described by this section.

(b) The commission shall employ at least one veterinarian at each greyhound racetrack and at least two veterinarians at each horse racetrack.

(c) The commission veterinarians shall oversee the association veterinarian and all the veterinarians practicing at a racetrack and may:

(1) observe any of a veterinarian's practices at the racetrack; and

(2) require a veterinarian to report at any time regarding the veterinarian's practices at the racetrack.

(d) The commission and association veterinarians shall report to the stewards or racing judges an alleged violation of the Act or a rule of the commission by a veterinarian.

(e) The association veterinarians must be licensed by the Texas State Board of Veterinary Medical Examiners.

(f) The commission veterinarians shall advise the stewards or racing judges on all veterinary matters and shall:

(1) maintain the veterinarian's list as required by these rules;

(2) conduct pre-race examinations as required by these rules;

(3) attend to the race animals in the paddock, on the track, at the starting gate and during the running of the race at a horse racetrack;

(4) supervise the operation of the test barn or test area and the collection of specimens for testing;

(5) maintain the list of permissible trace levels of drugs which are therapeutic and necessary for the treatment of illness or injury in race animals;

(6) conduct stable area and kennel inspections to ensure that race animals are

housed in a safe, humane, and sanitary environment;

(7) maintain a database of all racing-related injuries incurred at the track; and

(8) perform any other duties imposed on the commission veterinarian by these rules, the commission, or the executive secretary.

(g) An association veterinarian shall:

(1) be present at each official schooling and each official race performance;

(2) provide emergency care to greyhounds acutely injured or stressed while at the racetrack; and

(3) perform any other duties imposed on the association veterinarian by these rules, the commission, or the executive secretary.

(h) During the term of an association veterinarian's employment, it is not a conflict of interest for the veterinarian to:

(1) dispense or administer medications or biologicals sold only by veterinary suppliers to licensed veterinarians;

(2) provide emergency medical treatment to injured greyhounds at no cost; or

(3) charge a fee for veterinary services performed, other than emergency services. (Added eff. 8/14/89; (e) added eff. 1/10/90; (c), (d), (e), (f), (h) amended eff. 10/11/90; (a), (b), (g), (i) added eff. 10/11/90; amended eff. 11/1/98)

### Sec. 319.5. Report of Treatment by Veterinarians.

(a) Veterinarians who treat race animals shall maintain reports of the treatment in strict compliance with the requirements of the Texas State Board of Veterinary Medical Examiners. Veterinarians shall make the report available to a steward, judge or Commission veterinarian within 24 hours of a request.

(b) A report of treatment provided to the stewards, racing judges or a Commission veterinarian pursuant to subsection (a) of this section becomes part of the confidential investigatory files of the Commission. (Added eff. 8/14/89; (a) amended eff. 10/11/90; (a), (b), (c) amended eff. 8/3/92; (d) added eff. 8/3/92; amended eff. 11/1/98; (a), (b) amended eff. 10/31/13)

## CHAPTER 321. PARI-MUTUEL WAGERING

### Subchapter A. Mutuel Operations

#### Division 1. General Provisions

Sec. 321.1. Definitions and General Provisions. ....	259
Sec. 321.2. Odds Manipulation. ....	260
Sec. 321.3. Conduct of Wagering. ....	260
Sec. 321.5. Pari-mutuel Auditor. ....	260
Sec. 321.7. Cooperation with Officials. ....	260
Sec. 321.9. System Failure. ....	260
Sec. 321.11. Access to Magnetic Media. ....	261
Sec. 321.12. Time Synchronization. ....	261
Sec. 321.13. Pari-mutuel Track Report. ....	261
Sec. 321.15. License to Provide Totalisator Services. ....	262
Sec. 321.17. Activities by Minors Restricted. ....	262
Sec. 321.19. Wagers by Employees of Commission. ....	262
Sec. 321.21. Certain Wagers Prohibited. ....	262

#### Division 2. Wagering Information and Results

Sec. 321.23. Wagering Explanations. ....	262
Sec. 321.25. Wagering Information. ....	262
Sec. 321.27. Posting of Race Results. ....	263

#### Division 3. Mutuel Tickets and Vouchers

Sec. 321.29. Mutuel Tickets. ....	263
Sec. 321.31. Vouchers. ....	263
Sec. 321.33. Expiration Date. ....	263
Sec. 321.34. Refusal to Cash. ....	264
Sec. 321.35. Claim for Payment. ....	264
Sec. 321.36. Unclaimed Outs and Vouchers. ....	265
Sec. 321.37. Cashed Tickets and Vouchers. ....	265
Sec. 321.39. Altering Cashed Tickets and Cashed Vouchers. ....	265
Sec. 321.41. Cashing Outstanding Tickets. ....	265
Sec. 321.42. Cashing Outstanding Vouchers. ....	266
Sec. 321.43. Cancellation of Win Wagers. ....	266
Sec. 321.45. Teller's Records. ....	266
Sec. 321.46. Payment on No Ticket Issue. ....	266

### Subchapter B. Totalisator Requirements and Operating Environment

Sec. 321.101. Totalisator Requirements and Operating Environment. ....	267
--	-----

### Subchapter C. Regulation of Live Wagering

#### Division 1. General Provisions

Sec. 321.201. Actions by Stewards or Racing Judges. ....	267
Sec. 321.203. Errors in Posted Payoff. ....	267

Sec. 321.205. Probable Odds.....	267
Sec. 321.207. Betting Interests. ....	267
Sec. 321.209. Minimum Wager.....	268
Sec. 321.211. Carryover Pools.....	268
Sec. 321.213. Straight Wagers.....	268
Sec. 321.215. Multiple Wagers.....	268
Sec. 321.217. Stop Betting Command.....	269

**Division 2. Distribution of Pari-Mutuel Pools**

Sec. 321.301. Distribution of Pools.....	269
Sec. 321.302. Payoff on Minus Pool.....	269
Sec. 321.303. Straight Pools.....	269
Sec. 321.304. Win Pool.....	269
Sec. 321.305. Place Pool.....	270
Sec. 321.306. Show Pool.....	270
Sec. 321.307. Daily Double.....	271
Sec. 321.308. Quinella.....	272
Sec. 321.309. Exacta.....	272
Sec. 321.310. Trifecta.....	273
Sec. 321.311. Twin Trifecta.....	274
Sec. 321.312. Pick (n).....	278
Sec. 321.313. Select Three, Four, or Five.....	280
Sec. 321.314. Superfecta.....	283
Sec. 321.315. Tri-Superfecta.....	283
Sec. 321.316. Odd-Even.....	288
Sec. 321.317. Prevention of Start.....	288
Sec. 321.318. Special Wager.....	288
Sec. 321.320. Super Hi-Five.....	289
Sec. 321.321. Fortune Pick (n).....	291
Sec. 321.322. Triple Trifecta.....	293

**Subchapter D. Simulcast Wagering**

**Division 1. General Provisions**

Sec. 321.401. Purpose.....	293-A
Sec. 321.403. Simulcasting License.....	293-A
Sec. 321.405. Approval Of Exporting Simulcast Races.....	293-A
Sec. 321.407. Approval of Wagering on Simulcast Import Races.....	293-B
Sec. 321.409. Simulcasting Contract.....	293-B
Sec. 321.411. Public Address System.....	293-B
Sec. 321.413. Duties Of Guest Racetrack.....	293-B
Sec. 321.415. Duties Of Host Racetrack.....	295
Sec. 321.417. Emergency Procedures.....	295
Sec. 321.419. Simulcasting Officials.....	295
Sec. 321.421. Stop Betting Command.....	296

**Division 2. Common Pool Wagering**

Sec. 321.451. General Provisions. ....296  
Sec. 321.453. Formation Of Common Pool.....296  
Sec. 321.455. Distribution Of Common Pool. ....297  
Sec. 321.457. Breakage.....297  
Sec. 321.459. Manual Merge. ....297  
Sec. 321.461. Failure To Merge.....297

**Division 3. Simulcasting at Horse Racetracks**

Sec. 321.501. Negotiation With Horsemen. ....297  
Sec. 321.503. Purses. ....298  
Sec. 321.505. Allocation Of Purses And Funds For Texas Bred Incentive Programs. ....298  
Sec. 321.507. Priority Of Signals. ....299  
Sec. 321.509. Escrowed Purse Account.....300

**Subchapter E. Ticketless Electronic Wagering.**

**Division 1. Conduct of E-Wagering.**

Sec. 321.601. Purpose. ....301  
Sec. 321.603. Authorization for E-Wagering. ....301  
Sec. 321.605. E-Wagering Plan. ....301  
Sec. 321.607. E-Wagering Account Restrictions.....301  
Sec. 321.609. Testing E-Wagering. ....301

**Division 2. Operational Requirements.**

Sec. 321.621. Ticketless Electronic Wagering Hardware.....302  
Sec. 321.623. Cancellation of E-Wagers. ....302  
Sec. 321.625. Discrepancy/Dispute Resolution.....302  
Sec. 321.627. Suspension or Termination of E-Wagering.....302

**Subchapter F. Regulation of Historical Racing**

Sec. 321.701. Purpose.....302  
Sec. 321.703. Historical Racing.....302  
Sec. 321.705. Request to Conduct Historical Racing. ....302B  
Sec. 321.707. Requirements for Operating a Historical Racing Totalisator System. ....302C  
Sec. 321.709. Types of Pari-mutuel Wagers for Historical Racing.....302C  
Sec. 321.711. Historical Racing Pools; Seed Pools.....302D  
Sec. 321.713. Deductions from Pari-mutuel Pools.....302D  
Sec. 321.715. Contract Retention; Pari-mutuel Wagering Record Retention.....302D  
Sec. 321.717. Effect of Conflict.....302D  
Sec. 321.719. Severability. ....302D

*This space intentionally left blank.*

(n) If the final or designated mandatory payoff performance is canceled or the major pool has not been distributed, the major pool shall be deposited in an interest-bearing account approved by the executive secretary. The major pool plus all accrued interest shall then be carried over and included in a major pool offered on one of the first five days of the next subsequent race meeting or on the next performance after the undistributed mandatory payout performance, as approved by the executive secretary.

(o) Except for refunds required by this section, a fortune pick (n) ticket may not be sold, exchanged, or canceled after the close of wagering on the first of the fortune pick (n) races.

(p) A person may not disclose the number of tickets sold in the fortune pick (n) pool or the number or amount of tickets selecting winners of the races comprising the fortune pick (n) until the results of the last race comprising the fortune pick (n) are official. The totalisator equipment shall be programmed or constructed to suppress the publication or printing of any such information, except the total number of dollars wagered in the fortune pick (n), until the results of the last race comprising the fortune pick (n) are official. (Added eff. 3/28/11; (g) amended eff. 1/10/13)

### **Sec. 321.322 Triple Trifecta**

(a) The Triple Trifecta wager is not a parlay and has no connection with or relation to the win, place, and show pools shown on the tote board. All tickets on the Triple Trifecta wager shall be calculated as a separate pool.

(b) The association may select a distinctive name for the Triple Trifecta wager, with the prior written approval of the executive secretary.

(c) A Triple Trifecta wager is a contract between the holder of the ticket and the association and the ticket constitutes acceptance of this section. The association, totalisator company and the State of Texas are not liable to a person for a Triple Trifecta wager ticket that is not a winning ticket under this section or for a Triple Trifecta wager ticket that is not delivered.

(d) The Triple Trifecta wager requires the selection of the first three finishers, in exact order, in each of three consecutive designated contests. Payment of the ticket may be made only to the purchaser who has selected the qualifying finishers in three designated races.

(e) A coupled entry or mutuel field in a race that is part of the Triple Trifecta races shall race as a single betting interest for the purpose of mutuel pool calculations and payoffs to the public.

(f) The association must obtain written approval from the executive secretary concerning the scheduling of the Triple Trifecta contests and the designation of qualifying races. Any change to the Triple Trifecta requires prior written approval from the executive secretary and the association.

(g) If no Triple Trifecta ticket is sold for the winning combination, then 100% of the net pool shall be carried over and made available on the next consecutive Triple Trifecta pool and shall be combined with and added to the net pool for such qualifying pool, and made available for payout.

(h) Except for refunds required by this section, a Triple Trifecta wager ticket may not be sold, exchanged, or canceled after the close of wagering on the first of the Triple Trifecta wager races.

(i) Dead heats. For the purposes of determining whether a Triple Trifecta wager correctly selected the finishers in exact position, animals in a dead heat are deemed to jointly occupy both or all positions in the dead heat. For calculation purposes, the Triple Trifecta will be calculated as a place pool.

(j) The minimum number of wagering interests required to offer Triple Trifecta wagering shall be six wagering interests in each of the Triple Trifecta races. If one of the legs of the Triple Trifecta scratches to less than six wagering interests then all wagers, less any carryover, shall be refunded.

(k) If after wagering has begun an animal entered in a Triple Trifecta race is scratched or otherwise prevented from racing, all money

## PARI-MUTUEL WAGERING

wagered on the affected animal shall be deducted from the Triple Trifecta pool and refunded to the holders of tickets on the affected animal.

(l) Canceled contests. If any of the Triple Trifecta contests are canceled or declared no contest, that Triple Trifecta pool, less any carryover, shall be refunded.

(m) If on the final day of a race meeting or on a designated mandatory payout date the Triple Trifecta pool has not been distributed under this section, then the net pool for that performance plus any carryover from previous performances shall be paid out in the following manner:

(1) To those who correctly selected two of three trifectas in the Triple Trifecta races. If there are no such wagers, then

(2) To those who correctly selected one of three trifectas in the Triple Trifecta races. If there are no such wagers, then

(3) As a single price pool to holders of Triple Trifecta wagers.

(n) If the final or designated mandatory payoff performance is canceled or the pool has not been distributed under subsection (m) of this section the pool shall be deposited in an interest-bearing account approved by the executive secretary. The pool plus all accrued interest shall then be carried over and added to the Triple Trifecta pari-mutuel pool in the following race meeting on a date and performance designated by the association with the approval of the executive secretary. (Added eff. 11/2/15)

### Subchapter D. Simulcast Wagering

#### Division 1. General Provisions

##### Sec. 321.401. Purpose.

The Commission finds that, although wagering on simulcast races provides additional revenue for the state treasury, the primary advantage of wagering on simulcast races is the additional revenue it provides for purses for live races conducted in this state. The Commission further finds it is in the public interest to encourage live racing, which promotes economic development in a variety of racing-related industries.

Therefore, it is the Commission's intent to adopt and enforce rules relating to simulcast wagering in a manner that will encourage live racing and enhance the horse breeding, owning, and training industries and the greyhound breeding, owning, and training industries. (Added eff. 4/1/01)

##### Sec. 321.403. Simulcasting License.

(a) A license to operate a pari-mutuel racetrack in this state held by an association that has been granted live race dates includes as a part of its privileges the privilege of conducting pari-mutuel wagering on simulcast races and to simulcast races conducted by the association. The conducting of pari-mutuel wagering on simulcast races and the simulcasting of races conducted by the association is subject to the approval of the executive secretary.

(b) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the executive secretary for other requests for approval of simulcasting or wagering on simulcast races or programs. (Added eff. 4/1/01)

##### Sec. 321.405. Approval Of Exporting Simulcast Races.

(a) An association that wishes to serve as an exporting racetrack shall submit the form of its contract as an exporting racetrack to the executive secretary for approval.

(b) If the association changes the form of the contract, the association shall submit the changed version of the form to the executive secretary for approval.

(c) If an association enters into a contract as an exporting racetrack that differs from the form approved by the executive secretary with respect to its responsibilities as a host racetrack under these rules, the association shall immediately notify the executive secretary in writing.

(d) After the association has entered into a contract to export its races, the association shall file a request for approval of the export to the executive secretary on a form prescribed by the executive secretary. A request for approval to

## CHAPTER 321

export must be filed before post time of the first race covered by the request. (Added eff. 4/1/01)

### **Sec. 321.407. Approval of Wagering on Simulcast Import Races.**

(a) To receive approval to conduct pari-mutuel wagering on a simulcast import, an association must file a request for approval to import to the executive secretary on a form prescribed by the executive secretary. A request for approval to import a simulcast must be filed at least one day before the first simulcast race covered by the request.

(b) The executive secretary may approve a request for approval to import a simulcast, subject to rescission of the approval by the Commission at its next regular meeting.

(c) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(d) In considering whether or not to approve a request for approval to import a simulcast, the executive secretary shall consider:

(1) the financial stability of the association and the effect simulcasting will have on the economic viability of the association;

(2) the operating experience of the association;

(3) the regulatory compliance and conduct of the association;

(4) the impact of the association's proposed simulcasting on purses at the association's racetrack; and

(5) the public interest that will be served by the simulcasting.

(e) An association may not conduct pari-mutuel wagering on a simulcast import in place of a regularly scheduled live race, except as authorized by the executive secretary.

(f) For the purposes of this section, a simulcast import horse race can be a race of Thoroughbreds, Quarter Horses, Arabians, Paint Horses, Appaloosas, Standardbreds, or a mixture of the aforementioned breeds of horses. (Added eff. 4/1/01; (a) amended eff. 3/20/08, (f) added eff. 12/8/11)

### **Sec. 321.409. Simulcasting Contract.**

All contracts executed by an association regarding simulcasting are subject to inspection by the executive secretary. An association shall maintain each contract regarding simulcasting for at least one year after the end of the term of the contract. An association must provide a copy of the contract to the executive secretary on request. (Added eff. 4/1/01)

### **Sec. 321.411. Public Address System.**

An association that conducts pari-mutuel wagering on a simulcast import must have a public address system in place that is:

(1) accessible to the mutuel manager from the mutuel department work area; and

(2) capable of being heard in all areas where the patrons may view a simulcast race. (Added eff. 4/1/01)

### **Sec. 321.413. Duties Of Guest Racetrack.**

(a) An association that conducts pari-mutuel wagering on a simulcast import acts as a guest racetrack on those dates. The guest racetrack shall:

(1) provide adequate communication facilities, enabling pari-mutuel data transmissions and data communications between totalisator systems of the host racetrack and the guest racetrack;

(2) if the guest racetrack participates in common pools, provide a direct telephone line and a facsimile machine, or other means approved by the executive secretary, located in the mutuel area to transmit information to the host racetrack in case of a system failure; and

(3) display the audio and video signals of the races being simulcast to the patrons.

(b) After each simulcast performance, the guest racetrack shall provide the reports of its pari-mutuel operations required by Subchapters A and B of this chapter. (Added eff. 4/1/01)

## **PARI-MUTUEL WAGERING**

*This space intentionally left blank.*

## INDEX

Site for occupational license applications.....	§311.2
Site for racetrack license applications.....	§309.3
Training facility license .....	§313.502
Apprentice jockey	
Allowance .....	§313.166
Evaluation by starter .....	§313.49
Qualifications.....	§311.105
Restriction on multiple licenses .....	§§311.2, 311.105
Safety vests .....	§313.405
Approval of wagering pools.....	§321.3
Approvals - totalisator	
Hardware configuration .....	§321.101
Software configuration.....	§321.101
System baseline.....	§321.101
Arabian	
Texas Bred Incentive Program.....	§303.94
Assigned weight required for earnings .....	§313.449
Assistant racing secretary	
Greyhound racetrack.....	§315.38
Horse racetrack .....	§313.55
Assistant starters	
Appointment by starter .....	§313.49
Association to provide .....	§309.294
Safety helmets.....	§311.216
Wagering.....	§311.205
Assistant trainer license .....	§311.104
Association	
Application criteria .....	§309.2
Application for license.....	§309.1 <i>et seq</i>
Application procedure.....	§309.3
Duties .....	§309.101 <i>et seq</i>
Restrictions on licensing.....	§309.5
Rulings superseded by stewards/judges.....	§307.61
Security for compliance .....	§309.6
Association grounds, maintenance of .....	§309.112
Association officials.....	§313.1
Association veterinarian.....	§§315.42, 319.4
ATMs ( <i>see Automatic banking machines</i> )	
Attendance monitoring.....	§309.130
Audits	
Association.....	§309.164
Breed registries .....	§303.83
Horsemen's bookkeeper.....	§313.61
Pari-mutuel auditor .....	§321.5
Purse account .....	§309.297

## INDEX

Testing costs.....	§319.335
Authorized agent	
Appointment .....	§311.108
Required for certain greyhound owners.....	§311.102
Required for certain horse owners .....	§311.101
Automatic banking machines.....	§309.129
Awards, Texas Bred Incentive Program .....	§303.81 <i>et seq</i>

### B

Background investigations	
Applicants for occupational licenses .....	§311.3
Applicants for racetrack licenses .....	§309.4
Breed registries .....	§303.85
Information for DPS .....	§§309.4, 311.3
Badge	
Duty to wear.....	§311.212
License .....	§311.2
Balance sheets	
Executive secretary may request.....	§309.152
Bandages .....	§319.105
Banking	
Greyhound racetrack.....	§309.302
Horse racetrack .....	§309.204
Barns	
Receiving .....	§309.242
Specifications .....	§309.241
Stakes .....	§309.244
Stalls.....	§309.243
Test.....	§309.250
Bertillion cards.....	§309.364
Best effort required .....	§311.202
Bleeders ( <i>see also Furosemide</i> ).....	§319.111
Blinkers.....	§313.421
Blocking	
Legs and ankles.....	§319.104
Public view of horse euthanized on track .....	§319.109
Bond	
Treasurer of breed registry .....	§303.82
Brakeman .....	§315.44
Breakage	
Allocation in common pool .....	§321.457
Distribution from greyhound racing .....	§309.365
Breathalyzer .....	§309.131
Breed registries	
Greyhound.....	§303.101 <i>et seq</i>

## INDEX

Inspection report .....	§311.103
Standards.....	§315.250
Greyhound racetrack	
Duties .....	§309.301 <i>et seq</i>
Facilities and equipment maintenance personnel .....	§309.317
Inactive fee.....	§309.8
Live racing fee .....	§309.8
Locations.....	§309.2
Restriction on racing.....	§309.358
Simulcasting fee.....	§309.8
Grounds	
Maintenance of association grounds.....	§309.112
Removal of claimed horse .....	§313.313
Growing medium for turf track.....	§309.207
Guest racetrack, responsibilities .....	§321.413
<b>H</b>	
Hardware, totalisator.....	§321.101
Head numbers	
Association to provide .....	§309.293
Authority to waive .....	§313.406
Health certificate requirement.....	§319.110
Hearings	
Administrative penalty.....	§323.101
Before Commission .....	§307.33
Before stewards or racing judges.....	§307.62
Exclusion or ejection.....	§307.7
Failure to appear .....	§307.62
Oral argument .....	§307.35
Probation.....	§307.6
Proposal for decision.....	§307.36
Racetrack application.....	§307.5
State Office of Administrative Hearings (SOAH).....	§307.33
Suspension or revocation of occupational licensee .....	§311.6
Suspension or revocation of racetrack licensee .....	§309.9
Helmets ( <i>see Safety Equipment, Safety Helmets</i> )	
Help desk, totalisator .....	§321.101
Historical racing	
Contract retention; pari-mutuel wagering record retention .....	§321.715
Deductions from pari-mutuel pools .....	§321.713
Effect of conflict .....	§321.717
Historical racing.....	§321.703
Historical racing pools; seed pools .....	§321.711
Purpose.....	§321.701
Request to conduct historical racing.....	§321.705
Requirements for operating a historical racing totalisator system.....	§321.707
Severability .....	§321.719

## INDEX

Types of pari-mutuel wagers for historical racing .....	§321.709
Wagering explanations.....	§321.23
Wagering information.....	§321.25
Horse	
Age.....	§301.1
Alteration to certificate .....	§313.104
Change of owner.....	§311.101
Claiming.....	§313.301 <i>et seq</i>
Dually Registered.....	§303.97
Entry.....	§313.101 <i>et seq</i>
Identification .....	§§313.50, 313.421
Interference .....	§313.442
Name in official program.....	§309.296
Parade.....	§313.423
Responsibility for condition.....	§311.104
Starter's list .....	§313.49
Steward's list.....	§313.25
Testing.....	§319.361 <i>et seq</i>
Veterinarian's list.....	§319.102
Workouts.....	§§311.104, 313.505
Horse identifier .....	§313.50
Horse racetrack	
Duties .....	§309.201 <i>et seq</i>
Fees .....	§309.8
Locations of Class 1 racetracks.....	§309.2
Restriction on racing.....	§§311.101, 311.104
Horsemen's account	
Generally.....	§309.297
Jockey mount fee to be on deposit.....	§313.409
Horsemen's bookkeeper	
Audit .....	§313.61
Certain withdrawals restricted .....	§311.101
Claiming races .....	§313.305
Designation .....	§313.61
Duties .....	§§309.297, 313.61
Horsemen's representative	
Allocation of purse funds.....	§309.299
Historical racing contract.....	§321.703
Negotiations regarding simulcasting.....	§321.501
Recognition.....	§309.299
Horseshoe inspector .....	§313.51
Host racetrack, responsibilities .....	§321.415
Hypodermic syringe or needle	

## INDEX

Lure	
Live lures prohibited .....	§309.359
Operation.....	§315.206
Specifications .....	§309.307
<b>M</b>	
Maiden	
Allowance for horse .....	§313.167
Grading of greyhounds .....	§309.355
Mail, wagers prohibited .....	§321.21
Maintenance	
Association grounds.....	§309.112
Greyhound racetrack.....	§309.303
Horse racetrack .....	§309.207
Stable area.....	§309.247
Totalisator magnetic media.....	§321.11
Totalisator system .....	§321.101
Management	
Breed registries .....	§303.85
Changes in association.....	§309.151
Contracts of association .....	§309.162
Ownership and management review of active racetrack licenses.....	§309.53
Totalisator .....	§321.101
Mandatory payout ( <i>see also specific wager</i> ) .....	§321.211
Manual merge of common pools .....	§321.459
Marathons .....	§309.360
Medical review officer	
Evaluation for alcohol.....	§311.323
Evaluation for drugs.....	§311.308
Selection and duties .....	§311.306
Medication	
Administration .....	§319.2
Authorized medication.....	§319.3
For training/racing purposes .....	§319.14
Labeling .....	§319.7
Report of administration .....	§319.5
Storage .....	§319.15
Meetings, Commission .....	§303.4
Minors	
Access to association grounds .....	§321.17
Jockey contracts .....	§313.410
Qualifications for license .....	§§311.4, 311.104, 311.105
Wagering.....	§321.17
Minus pool .....	§321.302
Monitoring and network maintenance, totalisator .....	§321.101

## INDEX

Morning clocker	
Duties .....	§313.42
Reporting to clocker.....	§311.104
Motor vehicles .....	§303.12
Multiple wagers .....	§321.215
Mutilated ticket/voucher .....	§321.35
Mutuel employees.....	§311.109
Mutuel field.....	§321.207
Mutuel manager	
Greyhound racetrack.....	§315.36
Horse racetrack .....	§313.53
Mutuel tickets	
Altering .....	§321.39
Cancellation .....	§321.43
Cashed.....	§321.37
Claim for payment .....	§321.35
Expiration date .....	§321.33
Outstanding tickets.....	§321.41
Payment on no ticket issue.....	§321.46
Refusal to cash .....	§321.34
Requirements .....	§321.29

## N

National Greyhound Association.....	§315.101
Name	
Owners of association .....	§309.151
Stable name.....	§311.101
Negotiated rulemaking and alternative dispute resolution.....	§307.8
Negotiation with horsemen on simulcasting.....	§321.501
Nerved horses.....	§319.106
Network requirements for totalisator systems .....	§321.101
No race at greyhound racetrack .....	§315.209
Nomination blanks for stakes races .....	§309.298
Nominator liability for entry fee .....	§315.106
Nonparty participant .....	§307.32
Notice	
Commission proceedings .....	§307.4
Debt holders on racetracks.....	§309.10
District attorney's on offenses .....	§323.202
Exclusion or ejection.....	§307.7
Stewards' and racing judges' hearings .....	§307.62
To violator.....	§323.3
Wager cancellation rule .....	§321.43

## INDEX

Texas Bred greyhounds.....	§311.103
Totalisator operator.....	§309.162
Referral	
To Commission.....	§307.61
To SOAH.....	§307.31
Refusal	
Breathalyzer test.....	§311.322
Drug test.....	§311.302
To cash mutuel ticket.....	§321.34
To claim for positive test.....	§313.312
Registration certificates.....	§313.104
Rehabilitation	
For human drugs.....	§311.308
Occupational licensees.....	§303.203
Rehearing.....	§307.38
Remote wagering device.....	§321.101
Renewal	
Inactive racetrack license.....	§309.52
Occupational license.....	§311.7
Reports	
Accident.....	§§311.213, 309.156
Changes in license application.....	§309.3
Destroyed horses.....	§319.109
Jockey to report.....	§313.401
Kennel inspection.....	§319.203
Overweight jockey.....	§313.402
Pari-mutuel track report.....	§321.13
Racing judges.....	§315.31
Stewards.....	§313.24
Texas Bred programs.....	§303.84
To pre-race holding area.....	§313.421
Totalisator system.....	§321.101
Veterinary treatment.....	§319.5
Violations.....	§§319.4, 323.2
Representation at hearings.....	§307.62
Rescinding approval of officials	
At greyhound racetracks.....	§315.1
At horse racetracks.....	§313.4
Restricted areas	
Cashed tickets/vouchers.....	§321.37
Lockout kennel.....	§§315.203, 319.6
Pre-race holding area.....	§319.6
Stable or kennel area.....	§309.154
Test area.....	§319.6
Test barn.....	§321.101

## INDEX

Restrictions on horse races.....	§§311.101, 311.102, 311.104
Restrooms .....	§309.114
Review and renewal of inactive racetrack licenses.....	§309.52
Revocation	
Authorized agent appointment.....	§311.108
Occupational license .....	§311.6
Racetrack license .....	§309.9
Rights of licensee.....	§307.62
Robert’s Rules of Order.....	§303.4
Rulemaking	
Negotiated rulemaking.....	§307.8
Procedure .....	§307.102
Rules	
Commission authority.....	§307.101
Comptroller.....	§303.63
Petition for adoption .....	§307.103
Procedure .....	§307.102
Savings provision.....	§307.104
Severability .....	§307.105
Rulings	
Applicability to others.....	§307.66
Generally.....	§307.63
Reciprocity.....	§307.65
<b>S</b>	
Saddle cloth, association to provide.....	§309.293
Saddling	
Equipment.....	§§309.293, 313.304, 313.405
Paddock.....	§313.422
Toe grabs prohibited .....	§313.426
Safety equipment .....	§311.218
Safety helmets	
Excluded from jockey weight.....	§313.404
Jockey attire .....	§313.406
Required on association grounds .....	§§311.216, 311.218
Safety vests	
Excluded from weight.....	§313.404
Specifications.....	§§311.218, 313.405
Sale	
Claimed horse .....	§313.308

## INDEX

Programming.....	§321.101
Race-by-race reports .....	§321.101
Reports .....	§321.101
Requirements and operating environment .....	§321.101
Security .....	§321.101
Software requirements .....	§321.101
Special reports.....	§321.101
System failure .....	§321.9
Tests .....	§321.107
Ticket issuing machines.....	§321.105
Time scynchronization.....	§321.12
Wagering devices.....	§321.101
Waiver.....	§321.101
Tote board.....	§321.101
Tote crash	
System failure .....	§321.9
Emergency procedures.....	§321.417
Tote room .....	§321.101
Track superintendent	
Horse track.....	§313.54
Greyhound track.....	§315.43
Traffic in stable area .....	§311.216
Trainer	
Absent .....	§311.104
Absolute insurer .....	§311.104
Authority to make entry .....	§313.102
Change .....	§311.101
Duty to equip horse properly .....	§313.422
Employees.....	§311.104
Illness report.....	§311.104
License required.....	§311.104
Responsibility for weight on horse .....	§313.161
Responsibility to report death of race animal found on association grounds .....	§311.104
Restriction on racing .....	§311.101
Saddling horse.....	§313.422
Submission for testing required .....	§319.8
Suspended .....	§311.104
Witnessing testing.....	§319.9
Training	
Greyhound training .....	§311.217
Ineligibility due to improper greyhound training.....	§315.112
Training facilities	
Employees.....	§313.507
Expiration of license .....	§313.501
Fee.....	§313.501

## INDEX

License application .....	§313.502
Officials required .....	§313.505
Operations .....	§313.504
Records .....	§313.504
Rejection of workouts/approvals .....	§313.506
Specifications .....	§313.503
Transcripts	
Appeal .....	§307.67
Commission decision .....	§307.4
Transfer	
Claimed horse .....	§313.306
Documents as prerequisite to entry .....	§313.104
Effect on entry of greyhound .....	§315.104
Effect on entry of horse .....	§313.105
Fraudulent transfer prohibited.....	§307.66
License .....	§311.4
Schooling requirements for transferred greyhounds.....	§315.111
To avoid disqualification .....	§§311.101, 311.102
Transmission of wagering data	
Common pools .....	§321.453
Totalisator protocols .....	§321.101
Treatment	
Emergency care facility .....	§309.316
Reports .....	§319.5
Restricted .....	§319.2
Trifecta .....	§321.310
Triple trifecta .....	§321.322
Tri-superfecta.....	§321.315
Twin trifecta.....	§321.311
<b>V</b>	
Vacancies	
Commission member .....	§303.11
Commission officer.....	§303.6
Vaccination	
Greyhounds .....	§319.204
Pets .....	§311.216
Valets, wagering by .....	§311.205
Vendors .....	§309.160
Vests ( <i>see Safety Vests</i> )	
Veterinarian	
Administration of medication .....	§319.2
Approval of vendor items .....	§309.160
Association veterinarian.....	§§315.42, 319.4