

**CHAPTER 69.5-01-07
CONDUCT OF RACES**

DRAFT – to add 69.5-01-07-16.1. Post to Finish.

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1. The Start

- a. The starter is responsible for assuring that each participant receives a fair start.
- b. If the stewards suspect a false start has occurred, they shall post the inquiry sign and may disqualify the horse(s), declare it a non-starter, or take no action.
- c. If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.
- d. Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a non-starter by the stewards.
- e. Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from all pari-mutuel pools or declare a "no race".
- f. If a race is declared a "no race" the purse shall be distributed evenly to all participants or the funds shall be returned to their source. In the event it is determined that funds shall be returned:
 - (1) All funds provided by the commission must be returned to the commission except where an association returns the funds to their purse pool and uses them to fund subsequent races.
 - (2) Nomination, entry fees, or similar payments by horsemen for eligibility in the race shall be returned to the horsemen.

2. Disqualification

- a. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.
- b. If a horse is disqualified for a foul, any horse or horses in the same race owned or trained by the same interests, whether coupled or uncoupled may also be disqualified.

- c. When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.
 - d. Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.
 - e. The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.
3. Multiple Disqualifications. Should the stewards determine that there is more than one incident of interference in a race where disqualification is warranted, the stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish; except in the case where the same horses are involved in multiple incidents. Once a horse has been disqualified, it should remain placed behind the horse with which it interfered. The stewards shall make a conscious effort to place and maintain as placed, every and all horses placed behind others for interference.
4. Use of Riding Crop
- a. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his/her best efforts to win.
 - b. In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.
 - c. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
 - d. The riding crop shall only be used for safety, correction and encouragement.
 - e. All riders should comply with the following when using a riding crop:
 - (1) Showing the horse the riding crop and giving it time to respond before hitting it;
 - (2) Having used the riding crop, giving the horse a chance to respond before using it again;
 - (3) Using the riding crop in rhythm with the horse's stride.
 - f. Prohibited use of the riding crop includes but are not limited to striking a horse:

- (1) on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
 - (2) during the post parade or after the finish of the race except when necessary to control the horse;
 - (3) excessively or brutally causing welts or breaks in the skin;
 - (4) when the horse is clearly out of the race or has obtained its maximum placing;
 - (5) persistently even though the horse is showing no response under the riding crop; or
 - (6) striking another rider or horse.
- g. After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the stewards.
 - h. The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions
5. Horse Leaving the Racecourse. If a horse leaves the racecourse during a race, it shall be disqualified.
6. Order of Finish
- a. The official order of finish shall be decided by the stewards. The decision may be made with the aid of the photo finish system, and in the absence of the photo finish film record, the video replay. The photo finish and video replay are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.
 - b. The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.
7. Time Trials. In absence of specific conditions for a particular race that set forth criteria to address the situations that may arise from the running of time trials to determine the eligible horses to participate in finals, these rules shall apply:
- a. Except in cases where the starting gate or race track physically restricts the number of horses starting, each time trial shall consist of no more than 10 horses.
 - b. The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the 10 fastest times shall qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day shall qualify to participate in the finals. When time trials are conducted on two days, the racing secretary shall make his/her best effort to split owners with more than one entry into separate days and/or time trials.

- c. If the association's starting gate has less than 10 stalls or the racetrack safely accommodates less than 10 horses, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions or maximum number of horses the track can safely accommodate.
- d. Except in races around the turn, if only 11 or 12 horses are entered to run in time trials from a gate with 12 or more stalls, the association may choose to run finals only. If 11 or 12 horses participate in the finals, only the first 10 finishers will receive purse money.
- e. In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish shall also determine the preference in qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot shall be conducted as directed by the stewards. Qualifying times in separate trials shall not be determined beyond the limit of the timer by comparing and/or enlarging photo-finish images.
- f. Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.
- g. Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, etc. If a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse shall be given no time plus and that horse should not be eligible to run in the finals.
- h. Should a malfunction occur with electronic timer on any time trial, finalists from that time trial will then be determined by official hand timing operated by two official and disinterested persons. The average of the two hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the more accurate hand time will be utilized for the winning time; other horses shall be given times according to the order and margins of finish with the aid of the photo finish, if available.
- i. When there is a malfunction of the timer during some time trials, but the timer operates correctly in other time trials, the accurate electronic times shall not be discarded, nor shall the average of hand times be used for all time trials.
- j. If the accuracy of the electronic timer and/or the average of the hand times are questioned, the video of a time trial may be used

by the stewards to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. When the timer malfunctions and there are no hand times, the stewards may select qualifiers based on the video.

- k. Should there be a malfunction of the starting gate, and one or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses with malfunctioning stall doors non-starters or may allow any horse whose stall door opened late, but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. If a horse breaks through the stall door, or the stall door opens prior to the exact moment the starter purposely dispatches the field, the horse may be declared a non-starter and the stewards may direct that all entry fees refunded. If one or more, but not all stall doors, open at the exact moment the starter purposely dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic time. If the electronic timer malfunctions in this instance, the average of the hand times, or if not available, the video may be utilized for horses declared starters.
- l. If a horse should be scratched from the time trials, the horse's owner shall not be eligible for a refund of the fees paid and shall not be allowed to enter the final. If a horse that qualified for the final should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test or a rule violation, the horse shall be deemed to have earned and the owner will receive, last place money. If more than one horse is scratched then those purse monies shall be added together and divided equally among those owners.
- m. If a qualifier for a final or consolation is disqualified for ineligibility or a rule violation after the time trials are declared official, but prior to entry for the final or consolation, the non-qualifier with the next fastest time shall replace the disqualified horse. If a qualifier is disqualified after entry for a final or consolation for any reason other than racing unsoundness, illness or death, if necessary, the purse shall be redistributed among the remaining qualifiers.

History: Effective _____.

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