

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Department of Finance & Administration

Agency or Division Name Arkansas Racing Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule Thoroughbred Rule 2444 Multiple claims in same race

Newspaper Name Arkansas Democrat-Gazette

Date of Publishing August 14-16, 2022

Final Date for Public Comment September 22, 2022 @ 11 AM public meeting

Location and Time of Public Meeting Arkansas Racing Commission, 1515 W. 7th St., Suite 505, Little Rock, AR 72201, Oct. 14, 2021 @ 11 AM

Thoroughbred Rule 2444 Amendment Summary

Amends Rule 2444 to improve and clarify the claiming process for multiple claims in the same race.

Thoroughbred Rule 2444 Mark Up

2444. ~~If~~ (a) Multiple Claims Determined by Draw; Invalid Claims. Except as otherwise provided in Rule 2444(b) below, if more than one claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one or more of the Stewards. After title to the claimed horse is determined by lot under this ~~rule~~ Rule 2444(a), or, if applicable, under Rule 2444(b) below, all other claims on that horse in a race shall be deemed null and void. Accordingly, if the winning claim determined by lot under this ~~rule~~ Rule 2444(a), or, if applicable, under Rule 2444(b) below, is subsequently ruled invalid for any reason, title to the horse shall be returned to the owner of the horse prior to the lot draw, or, if applicable, prior to the determination of the preferred claimant under Rule 2444(b) below. The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following invalidation of the winning claim.

(b) Claiming Preference. An owner who has a horse claimed during the Oaklawn racing season will be awarded a claiming preference (a “Claiming Preference”) subject to the terms and conditions of this Rule 2444(b).

(1) An owner who has a horse claimed during the Oaklawn current racing season will be awarded one Claiming Preference.

(2) Claiming Preferences cannot be accrued or accumulated. A second Claiming Preference may not be awarded until the first is validly used and the owner using the Claiming Preference is awarded title to the claimed horse. If a Claiming Preference is validly used and the owner using the Claiming Preference is awarded title to the claimed horse, the owner will be issued another Claiming Preference if the owner subsequently has a horse claimed at Oaklawn.

(3) Claiming Preferences will become valid (and useable by the owner to whom the Claiming Preference was awarded) starting the first Tuesday of the week after the Claiming Preference is awarded. A Claiming Preference may only be used by the exact same owner to whom the Claiming Preference was awarded.

(4) An owner may use the owner’s Claiming Preference on any claiming race through the end of the racing season during which the Claiming Preference was awarded. Unused Claiming Preferences expire at the end of the racing season during which the Claiming Preference was awarded.

(5) An owner holding a Claiming Preference who desires to use the Claiming Preference must expressly so indicate by marking the proper space on the Claim Card denoting election to use the Claiming Preference for that claim. The use of the Claiming Preference is at the option of the owner with the Claiming Preference (i.e., the owner is not required to utilize the Claiming Preference and may defer use to a later claiming race during the then current racing season).

(6) If use of a Claiming Preference is noted on the Claim Card when no Claiming Preference is available, the Claim will be invalidated.

(7) If there are multiple claims for the same horse in a claiming race, claims with a Claiming Preference will be given preference in determining the successful claimant and title to the horse (e.g., if there are multiple valid claims for the same horse in a claiming race, and only one valid claim with a Claiming Preference, the claimant properly utilizing the claimant's Claiming Preference will be determined the successful claimant, and title to the horse shall transfer to that claimant without lot draw/shake).

(8) If there are multiple claims with Claiming Preferences for the same horse in a claiming race, only claims with Claiming Preferences will participate in the lot draw/shake, and the successful claimant and title to the horse shall be determined under Rule 2444(a) above among only those claimants validly using their Claiming Preference. The unsuccessful claimant(s) (i.e., those not winning the lot draw/shake) retain their Claiming Preference.

(9) If an owner validly exercises the owner's Claiming Preference and is awarded the claim and title to the claimed horse, that Claiming Preference will then expire.

(10) Once a Claiming Preference is validly used by the owner, and the owner is awarded the claim and title to the claimed horse, the owner will receive a subsequent Claiming Preference upon having another horse claimed.

(11) The Racing Office shall post a list of owners with Claiming Preferences every Tuesday before entries.

(12) A Claiming Preference may only be used in the exact same name of the owner to whom the Claiming Preference was awarded.

(13) Claiming preferences are not transferable.

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on September 22, 2022, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

- (1) Thoroughbred Rule 1217.3. Proposed amendment to set additional guidelines for extracorporeal shock wave therapy.
- (2) Thoroughbred Rule 1218. Proposed amendment to repeal sections (b)(1) and (2) as those sections conflict with the proposed HISA rules.
- (3) Thoroughbred Rule 1219. Proposed new rule to list prohibited practices contained in the proposed HISA rules.
- (4) Thoroughbred Rule 2099.1 Commission Clocker. Proposed amendment to allow Stewards to grant extensions of up to seven (7) days for horse owners / trainers to record timed workouts.
- (5) Thoroughbred Rule 2128A. Proposed new rule to prohibit jockeys from using hand-held communication devices while on the race track.
- (6) Thoroughbred Rule 2260 Purse Distribution. Proposed amendment to change purse distributions to include more horses.
- (7) Thoroughbred Rule 2444 Claiming. Proposed amendment to improve and clarify the claiming process for multiple claims in the same race.

Any persons wishing to speak for or against any of the above-proposed rule changes should appear at the meeting on September 22, 2022, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above-proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on September 21, 2022. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and on its website and from the Secretary of State's office and on its website.