

NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on September 21, 2023, 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) ARC Horse Racing Rule 2260. Purse, Distribution. The proposed amendment increases the pay out for stakes and non-stakes races at Oaklawn.
- (2) ARC Horse Racing Rule 2444. The proposed amendment makes changes to the claiming preference rule time period, and the posting of owners that hold claiming preferences.
- (3) ARC Horse Racing Rule 1152. The proposed amendment requires betters to present all winning pari-mutuel tickets on live and simulcast races within 180 days of the last live race day or within 180 after the last simulcast season day.
- (4) ARC Horse Racing Rule 2458. Amends Rules 1258(b) from 15 days to the final 21 days of the Oaklawn Race Meet.
- (5) ARC Horse Racing Rule 2800. The proposed amendment provides for verification of identification of wagerers.

Any persons wishing to speak for or against any of the above-proposed rule changes should appear at the meeting on September 21, 2023, 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 Wednesday, September 20, 2023. 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.

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Little Rock, Arkansas 72201-1094
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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 ARC Horse Racing Rule 2444

Newspaper Name Arkansas Democrat-Gazette

Date of Publishing August 13-15, 2023

Final Date for Public Comment September 20, 2023

Location and Time of Public Meeting Arkansas Racing Commission, 1515 W. 7th St., Suite 505, Little Rock, AR 72201, September 21, 2023 @ 11 AM

AMENDMENT SUMMARY: The proposed amendment makes changes to the claiming preference rule time period, and the posting of owners that hold claiming preferences.

2444. (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 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 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 with the first Tuesday of race on the week-next racing day 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).

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(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 before 11 a.m. each live racing day. Such list shall reflect all owners with Claiming Preferences available for use beginning with the first race on such racing day (*i.e.*, shall reflect all owners with Claiming Preferences through the conclusion of racing on the most recent prior racing day).

(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.

2444. (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 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 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.

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(3) Claiming Preferences will become valid (and useable by the owner to whom the Claiming Preference was awarded) starting with the first race on the next racing day 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.

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