

# ARKANSAS REGISTER

## Transmittal Sheet

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For Office

Use Only:

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Name of Agency Arkansas Racing Commission

Department Department of Finance and Administration

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Statutory Authority for Promulgating Rules 23-110-204

Rule Title: 23 CAR § 357-611 First Waiver Claiming Amendment & Claiming Preference Repeal

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

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☐ Other \_\_\_\_\_  
(Must be at least 10 days after filing date.)

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

John Campbell

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Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act, Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Assistant Division Administrator

Title

12/2/2025

Date

(B) The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

(4)(A) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license.

(B) Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

(5) A holder of a claiming authorization for the current race meet who has not previously been granted an owner's license for the current race meet will be issued an owner's license without payment of any additional fees, but subject to the other requirements for issuance of an owner's license.

(c)(1) **First waiver.** At the time of entry into a claiming race, the owner (or trainer acting under authorization from the owner) may opt to declare a horse ineligible to be claimed provided:

(A) The horse has not been an official starter in a race at any racetrack for a minimum of ~~sixty~~ one hundred twenty (~~60~~120) days since its last race as an official starter;

(B) The horse's last race as an official starter was a claiming race in which the horse was eligible to be claimed;

(C) The horse is entered for a claiming price equal to or greater than the claiming price at which it last started as an official starter;

(D) Failure to declare the horse ineligible at the time of entry may not be remedied; and

(E) Ineligibility to be claimed under this subdivision (c)(1) shall apply only to the horse's first start as an official starter following each such ~~sixty~~ one hundred twenty-day or longer layoff.

(2) **Second waiver.** At the time of entry into a claiming race, the owner (or trainer acting under authorization from the owner) may opt to declare a horse ineligible to be claimed provided:

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(2) A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(r)(1) Any horse that has been claimed shall, after the race has been run, be taken to a claimed horse exchange area approved by the Board of Stewards for delivery to the claimant.

(2) However, if a urine or other test is to be made, the horse shall be taken to the test barn and the test made immediately.

(3) Thereafter, possession of the horse shall be delivered to the claimant.

(s) A horse claimed shall not be delivered by the original owner to the successful claimant until written authorization is given by the Racing Secretary.

(t) No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race.

**(u)(1) Multiple claims determined by draw — Invalid claims.**

~~(A)(1) Except as otherwise provided in subdivision (u)(2) of this section,~~  
if more than one (1) claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one (1) or more of the stewards.

~~(B)(2) After title to the claimed horse is determined by lot under this subdivision (u)(1) this subsection or, if applicable, under subdivision (u)(2) of this section,~~ all other claims on that horse in the race shall be deemed null and void.

~~(C)(3) Accordingly, if the winning claim determined by lot under this subdivision (u)(1) this subsection or, if applicable, under subdivision (u)(2) of this section,~~ 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 subdivision (u)(2) of this section.~~

~~(D)(4)~~ 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.

~~(2) Claiming preference.~~

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~~\_\_\_\_\_ (A) 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 subdivision (u)(2).~~

~~\_\_\_\_\_ (B)(i) An owner who has a horse claimed during the Oaklawn current racing season will be awarded one (1) claiming preference.~~

~~\_\_\_\_\_ (ii) However, a claiming preference will not be awarded to the connections of a claimed horse:~~

~~\_\_\_\_\_ (a) If the horse's most recent previous race was in a nonclaiming race (or optional claiming race where the horse was not eligible to be claimed); or~~

~~\_\_\_\_\_ (b) If the horse dropped more than twenty five percent (25%) in claiming price from the claiming price in its most recent race in a claiming race.~~

~~\_\_\_\_\_ (C) Any owner that receives a claiming authorization under 23 CAR § 357-611(b) and is unsuccessful with the owner's first two (2) valid claim attempts after receipt of such claiming authorization will be awarded a claiming preference.~~

~~\_\_\_\_\_ (D)(i) Claiming preferences cannot be accrued or accumulated.~~

~~\_\_\_\_\_ (ii) 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.~~

~~\_\_\_\_\_ (iii) 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 and is otherwise eligible to receive a claiming preference under this section with respect to such claimed horse.~~

~~\_\_\_\_\_ (E)(i) 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.~~

~~\_\_\_\_\_ (ii) A claiming preference may only be used by the exact same owner to whom the claiming preference was awarded.~~



~~—————(F)(i) 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.~~

~~—————(ii) Unused claiming preferences expire at the end of the racing season during which the claiming preference was awarded.~~

~~—————(G)(i) 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.~~

~~—————(ii) 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.~~

~~—————(H) If use of a claiming preference is noted on the claim card when no claiming preference is available, the claim will be invalidated.~~

~~—————(I) 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 (1) 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.~~

~~—————(J)(i) 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 subdivision (u)(1) of this section among only those claimants validly using their claiming preference.~~

~~—————(ii) The unsuccessful claimant or claimants, i.e., those not winning the lot draw/shake, retain their claiming preference.~~

~~—————(K) 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.~~

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~~—————(L) 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 at Oaklawn provided the owner is otherwise eligible to receive a claiming preference under this section with respect to such claimed horse.~~

~~—————(M)(i) The racing office shall post a list of owners with claiming preferences every Tuesday before entries before 11:00 a.m. each live racing day.~~

~~—————(ii) 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.~~

~~—————(N) A claiming preference may only be used in the exact same name of the owner to whom the claiming preference was awarded.~~

~~—————(O) Claiming preferences are not transferable.~~

(v)(1) For a period of twenty-seven (27) days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than twenty-five percent (25%) more than the price at which it was claimed.

(2) The day claimed shall not count for purposes of counting the applicable twenty-seven-day period, and for this purpose, the immediate following calendar day after the day claimed shall be the first day.

(3) The horse shall be entitled to enter whenever necessary so that the horse may start on the twenty-eighth calendar day following the claim, for any claiming price.

(w)(1) No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day claimed except in another claiming race.

(2) Further, when a horse is claimed at a recognized race meeting under rules that are at variance with this subsection, title to such horse shall be recognized in Arkansas to follow the rule of the race meeting under which it was claimed.

(x) No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

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