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Proposed Rulemaking

Title

Promulgated by:
Department of Finance and Administration
Arkansas Racing Commission

Title 23. Public Utilities and Regulated Industries

Chapter VIII. Arkansas Racing Commission, Department of Finance and Administration

Subchapter A. Generally

Part 357. Rules Governing Horse Racing in Arkansas

Subpart 4. Racing

23 CAR § 357-401. Jockeys.

(a) No person under eighteen (18) years of age shall be licensed as an apprentice jockey or jockey, save and except those apprentice jockeys and jockeys under eighteen (18) years of age who have previously been licensed.

(b) The stewards may permit a jockey to ride pending action on the jockey's application.

(c) Every jockey shall ride under the jockey's legal name.

(d)(1) In riding a race, a jockey must be neat in appearance and must wear conventional attire and the racing colors of the owner or owners of the horse the jockey is riding.

(2) No advertising on the jockey’s attire is permitted without the approval of the stewards, owner, and the franchise holder.

(e)(1)(A) All jockeys, exercise persons, outriders, and other persons riding horses on the grounds of Oaklawn Park shall at all times while mounted on a horse wear appropriate protective headgear and have their chin straps fastened.

(B) This subsection shall apply from the time the stable is open for training until it is closed after the race meeting, and shall be enforced by all trainers.

(C) The protective headgear must meet any of the following standards:

(i) American Society for Testing and Materials (ASTM 1163);

(ii) UK Standards (EN 1384 and PAS 015); and

(iii) Australian/New Zealand Standards (AS/NZ 3838).

(2)(A)(i) No jockey, including apprentice jockeys, or exercise rider shall be allowed to ride in any race or exercise horses on the grounds of Oaklawn Park without a safety vest.

(ii) The safety vest shall provide a minimum shock absorbing protection of five (5), as defined by the British Equestrian Trade Association (BETA).

(iii) The safety vest must meet one of the following standards:

(a) British Equestrian Trade Association (BETA) 2000, level 2;

(b) Euro Norris (EN) 121.58 Level 1;

(c) American Society for Testing Materials (ASTM) (F2681-08); or

(d) Show and Allied Trade Research Association (SATRA) (Jockey Vest Document M6 Issue 2); and

(iv) Australian Racing Board (ARM) (Standard 11998).

(B)(i) The safety vest shall weigh no more than two pounds (2 lbs.) and shall not be included in a jockey's weight when weighing out to race.

(ii) If a jockey fails to wear a safety vest in the running of any race, the jockey's horse shall be disqualified.

(iii) The stewards or commission may levy additional penalties or fines against the jockey or trainer.

(3)(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 for safety, correction, and encouragement;

(B) All riders shall comply with the following when using a riding crop:

(i) Showing the horse the riding crop and giving it time to respond before hitting it;

(ii) Having used the riding crop, giving the horse a chance to respond before using it again; and

(iii) Using the riding crop in rhythm with the horse's stride.

(C) Prohibited uses of the riding crop include but are not limited to:

(i) Striking a horse on the head, flanks, or any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

(ii) Striking a horse during the post parade or after the finish of the race, or before or after a workout, except when necessary to control the horse;

(iii) Striking a horse excessively or brutally causing welts or breaks in the skin;

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

(v) Persistently hitting the horse even though the horse is showing no response under the riding crop; or

(vi) Striking another rider or horse.

(D)(i) All riding crops are subject to inspection and approval of the stewards and Clerk of Scales.

(ii) The only permissible riding crop for use during racing shall be the 360 Gentle Touch (360 GT) riding crop, Pro-Cush riding crop, or other similar riding crops approved by the stewards.

(E) Use of a riding crop during workouts shall be permissible so long as such use does not violate subdivisions (e)(3)(B) and (C) of this section.

(F) Riding crops shall have a:

(i) Shaft and flap and weigh a maximum of eight ounces (8 oz.);

(ii) Maximum length, including flap, of thirty inches (30"); and

(iii) Minimum shaft diameter of one-half inch (1/2"), and the shaft contact area must be smooth with no protrusions or raised surface and covered by

shock-absorbing material that gives a compression factor of at least one millimeter (1 mm) throughout its circumference.

(G) The flap is the only allowable attachment to the shaft and the length must not be more than one inch (1") beyond the end of the shaft, a minimum width of eight-tenths of an inch (0.8") and a maximum of one and six-tenths inches (1.6"), no reinforcements or additions beyond the end of the shaft, and shock-absorbing characteristics similar to those of the contact area of the shaft.

(f) All jockeys shall faithfully fulfill all engagements in respect to racing.

(g) A jockey shall wear a number on his or her right arm, and it and the saddle cloth number shall correspond to the number of the horse in the official program.

(h)(1) Every jockey who is engaged to ride in a race shall report to the scale room on the day of the race at the time required by the Racing Secretary, except that every jockey who has an engagement to ride in a stakes race must report in the jockey room not later than one (1) hour before post time of that race.

(2) The jockey shall then report the jockey's engagements and overweight, if any, and thereafter the jockey shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until all of the jockey's engagements of the day have been fulfilled.

(i) No jockey shall make a bet on any race nor accept the promise or the token of any bet with respect to the race in which the jockey is riding, except through or from the owner or trainer of the horse the jockey rides, and then only on that horse.

(j) No jockey shall enter the betting area until the jockey has completed his or her riding engagements for the day.

~~(k)(1) In the absence of a specific contract or special agreement, the following jockey mount fees apply:~~

(k)(1) The Arkansas Racing Commission will review and approve an applicable schedule of jockey mount fees prior to each racing season. In the absence of a specific ~~contact~~ contract or special agreement between the jockey and the horse owner, the approved jockey mount fee schedule will apply. The approved jockey mount fee schedule shall be agreed upon between the organizations representing jockeys and

horsemen prior to presentation at an Arkansas Racing Commission meeting for approval prior to the beginning of the racing season. In the event of disagreement between the organizations representing jockeys and horsemen regarding the applicable schedule of jockey mount fees, the Commission may set the applicable schedule of jockey mount fees for the racing season. If no change to the applicable schedule is requested or approved by the Commission, the last jockey mount fee schedule approved by the Commission will stand.

~~PURSE~~	~~WINNING MOUNT~~	~~SECOND MOUNT~~	~~THIRD MOUNT~~	~~FOURTH MOUNT~~	~~LOSING MOUNTS~~
~~Purses up to $24,999~~	~~10% of win purse~~	~~5% of place purse, or $110, whichever is greater~~	~~5% of show purse, or $100, whichever is greater~~	~~$90~~	~~$80~~
~~$25,000-49,999~~	~~10% of win purse~~	~~5% of place purse~~	~~5% of show purse~~	~~5% of fourth place purse, or $95, whichever is greater~~	~~$85~~
~~$50,000-99,999~~	~~10% of win purse~~	~~5% of place purse~~	~~5% of show purse~~	~~5% of fourth place purse~~	~~$95~~
~~$100,000 to 999,999~~	~~10% of win purse~~	~~5% of place purse~~	~~5% of show purse~~	~~5% of fourth place purse~~	~~$120~~

~~$1,000,000 and up~~	~~10% of win purse~~	~~5% of place purse~~	~~5% of show purse~~	~~5% of fourth place purse~~	~~$250~~

(2) If any owner or trainer engages two (2) or more jockeys for the same race, the owner or trainer shall be required to pay each of the jockeys the appropriate fee pursuant to this subsection whether the jockey rides in the race or not.

(3) A jockey fee shall be considered earned when the jockey is weighed out by the Clerk of Scales for that race.

(l)(1) The added purse money for Arkansas-breeds shall be included as defined above.

(2) Purse money shall include all enhancements and supplements from any source, and shall be distributed by the Horsemen's Bookkeeper.

(m) The suspension of a jockey for an offense not involving fraud shall begin not later than two (2) racing days after the ruling, unless otherwise ordered by the stewards.

(n) The suspension of a jockey for fraud shall begin immediately after the ruling.

(o) A jockey temporarily suspended for ten (10) days or fewer for a minor riding violation may continue to exercise horses during training hours and may fulfill riding engagements in designated races, as specified by the stewards at the beginning of the race meeting.

(p)(1) Every jockey may have one (1) agent and no more.

(2) All engagements to ride, other than those for the jockey's contract employer, shall be made by the jockey or the jockey's agent or employer.

(q)(1) The franchise holder shall choose the only attendants who will be permitted, within the limits of this part, to assist a jockey:

(A) After weighing out and until he or she leaves the paddock; and

(B) In weighing in and until he or she arrives at the jockey room.

(2) Such attendants shall be paid for their services by the franchise holder.

(3) A system of rotation of attendants shall be maintained.