

ARTICLE 69.5-01
NORTH DAKOTA RACING COMMISSION RULES

Chapter	
69.5-01-01	Definitions
69.5-01-02	The Commission
69.5-01-03	Racing Officials
69.5-01-04	Permits and Requirements
69.5-01-05	Licensees
69.5-01-06	Patrons [Repealed]
69.5-01-07	Conduct of Races
69.5-01-08	Parimutuel Wagering Systems
69.5-01-09	North Dakota Breeders Fund
69.5-01-10	North Dakota Purse Fund
69.5-01-11	Simulcasting and Account Deposit Wagering
69.5-01-12	North Dakota Promotion Fund

CHAPTER 69.5-01-01
DEFINITIONS

Section	
69.5-01-01-01	Definitions

69.5-01-01-01. Definitions.

The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 53-06.2, except:

1. "Age" means the age of a horse and shall be reckoned from the first day of January of the year of foaling.
2. "Appaloosa" means a horse registered with the appaloosa horse club.
3. "Applicable horsemen's organization" means the jockey club with respect to thoroughbred horses, the American quarter horse association with respect to quarter horses, the United States trotting association with respect to standardbred horses, the appaloosa horse club with respect to appaloosa horses and the American paint horse association with respect to pinto and paint horses.
4. "Arabian" means a horse registered with the international Arabian horse association, the Arabian horse registry of America, Inc., or the Anglo-Arabian horse registry.
5. "Arrears" means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.
6. "Association" means an individual or business entity holding:
 - a. A permit from the commission to conduct racing or pari-mutuel wagering, or both; and
 - b. An annual license authorizing the specific dates of the annual racing meeting.
7. "Association grounds" means all real property utilized by an association in the conduct of its race meeting, including the track, concessions, stands, offices, barns, stables, employee housing, and parking.
8. "Authorized agent" means a person licensed by the commission as an agent for a horse owner or principal by virtue of a notarized appointment of agent on a form approved by the

commission filed by the owner or principal with the horsemen's bookkeeper authorizing the agent to handle matters pertaining to racing and stabling.

9. "Bleeder" means a horse which hemorrhages from within the respiratory tract during a race or within one hour postrace, or during exercise, or within one hour of such exercise.
10. "Bleeder list" means a tabulation of all bleeders to be maintained by the commission.
11. "Chemist" means any official racing individual designated by the commission and working for an accredited and licensed laboratory.
12. "Claiming race" means a race which includes a condition that any horse starting the race may be purchased by any licensed owner who has started a horse at the current meeting for an amount specified in the conditions for that race by the racing secretary.
13. "Commission" means the North Dakota racing commission.
14. "Contractual vendor" means any business or individual dealing in the furnishing, sale, or distribution of materials, supplies, or services to an association.
15. "Day" means a twenty-four-hour period beginning at one minute after twelve a.m. and ending at twelve midnight. Also referred to as a "race day".
16. "Dead heat" means the finish of a race by two horses or more at the same time.
17. "Declaration" means the act of withdrawing an entered horse from a race.
18. "Entry" means:
 - a. A horse entered for a race; or
 - b. Two or more horses entered and joined for the same race for pari-mutuel wagering purposes because of common ties of ownership, lease, or training.
19. "Field or mutuel field" means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track totalizator. The highest numbered horse with the totalizator capacity and all the higher-numbered horses following are then grouped together in the mutuel field.
20. "Foreign substances" means all substances except those which exist naturally in the untreated horse at normal physiological concentration.
21. "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or penalty imposed by order of the stewards or the commission.
22. "Furosemide" means 4 Chloro-N-(2 furylmethyl)-5-sulfamoy-lanthanilic acid.
23. "Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.
24. "Horse" means any horse (including and designated as a mare, filly, stallion, colt, ridgling, or gelding) registered for racing under the jurisdiction of the commission and which requires a jockey to race.
25. "Hypodermic injection" means any injection into or under the skin or mucosa, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection,

intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, and intraocular (intraconjunctival) injection.

26. "Jockey" means a rider licensed to ride in commission-approved races.
27. "Licensee" means any person or entity holding a license from the commission to engage in racing or related regulated activity.
28. "Maiden" means a horse that, at the time of starting, has never won a race on the flat where racing is:
 - a. Supervised by a lawfully established racing commission or board;
 - b. Covered by the Daily Racing Form or official racing publication (e.g. American quarter horse chart books, the appaloosa horse club chart books, the paint horse chart books, United States trotting association, and the Arabian horse chart book); or
 - c. A maiden that has been disqualified after finishing first is still a maiden.
29. "Match race" means a race between two horses, the property of two owners, on terms agreed upon by them. The match is void if either of the horses or if either owner dies prior to the running of the race. It remains a match even if money or other award is added to the stakes.
30. "Meeting" means the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission.
31. "Minor" means any person under the age of eighteen.
32. "Month" means a calendar month.
33. "Nominator" means the person in whose name a horse is entered for a race.
34. "Official time" means the period from the time the first horse crosses the timing beam until the first horse crosses the finish line.
35. "Operating costs" includes, for purposes of subsection 6 of section 53-06.2-05 and subsection 6 of section 53-06.2-08 of the North Dakota Century Code, contributions to the breeders', purse, racing promotion, and general funds.
36. "Overnight race" means a race for which entries close seventy-two hours, or less, before the time set for the first race of the day on which the race is to be run.
37. "Owner" means:
 - a. A person who holds any title, right, or interest, whole or partial, in a horse; or
 - b. A lessee of a horse holding an owner's license.

An interest only in the winnings of a horse does not constitute partial ownership.
38. "Patron" means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.
39. "Permit" means an authorization by the commission to an association to conduct horse racing and pari-mutuel wagering at a specified place.
40. "Permitholder" means an association holding a commission permit to conduct racing meetings and pari-mutuel wagering.

41. "Place":
- a. In general, to place means to finish a race in either first, second, or third place.
 - b. In particular, to place means to finish second in a race.
- Example: Win - to place first in the finish.
Place - to place second in the finish.
Show - to place third in the finish.
42. "Post position" means the position assigned to the horse in the starting gate of a race.
43. "Post time" means the time set for the arrival of all horses in a race at the starting gate.
44. "Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.
45. "Program" means:
- a. A schedule of eight races or more per day unless otherwise authorized by the commission.
 - b. A paper booklet offering racegoers various race information.
46. "Purse" means the gross cash portion of the prize for which a race is run.
47. "Purse race" means a race for money or other prize to which the owners of horses entered do not contribute money toward its purse and for which entries close less than seventy-two hours prior to its running.
48. "Quarter horse" means a horse registered with the American quarter horse association.
49. "Race" means a running contest between horses ridden or driven by jockeys for a purse, prize, or other reward run at a licensed association in the presence of the stewards of the meeting or such other horse racing contests as may from time to time be authorized by the commission. This includes purse races, overnight races, and stakes races.
50. "Recognized meeting" means any meeting with regularly scheduled races for horses on the flat in a jurisdiction having reciprocal relations with this state and a commission for the mutual enforcement of rulings relating to horse racing.
51. "Rules" means the rules adopted by the commission to regulate the conduct of horse racing.
52. "Schooling" means allowing an inexperienced horse the opportunity to become familiar with track surroundings.
53. "Scratch" means the act of withdrawing an entered horse from the race after the closing of overnight entries.
54. "Scratch time" means the time set by the association for the closing of entries to withdraw from races of that day.
55. "Security area" means the area surrounding the security stall delineated by the commission and controlled by it.

56. "Specimen" means any bodily substance, including blood, urine, or hair, taken from a horse under the supervision of the commission veterinarian or such veterinarian's authorized designee and in such manner prescribed by the commission for the purpose of analysis.
57. "Stable name" means a name used by an owner or lessee and registered with the commission.
58. "Stakes race" means one in which nominators of the entries contribute to a purse for the winners. A stakes race shall close for entries more than seventy-two hours in advance of its running. A stakes race includes a race for which horses are invited by an association to run for a guaranteed purse of five thousand dollars or more, without payment of stakes.
59. "Starter" means a horse in a race when the starting gate doors open in front of it at the moment the official starter dispatches the horses for a race.
60. "Stewards" means the duly appointed racing officials or their deputies serving at a licensed horse racing meeting.
61. "Subscription" means moneys paid for nomination, entry, eligibility, or starting of a horse in a stakes race.
62. "Test level" means the concentration of a foreign substance found in the test sample.
63. "Test sample" means any bodily substance, including blood, urine, or hair, taken from a horse under the supervision of the commission veterinarian or such veterinarian's authorized designee and in such manner as prescribed by the commission for the purpose of analysis.
64. "Thoroughbred" means a horse registered with the jockey club.
65. "Tout" means an individual who offers information or tips for any share of any resulting winnings. This can include spying on racehorses, during practice, or a race, in order to obtain information.
66. "Veterinarian" means a veterinarian currently licensed by the state board of veterinary medical examiners and the commission.
67. "Weigh in" means presentation of a jockey to the clerk of scales for weighing prior to a race.
68. "Weigh out" means presentation of a jockey to the clerk of scales for weighing after a race.
69. "Year" means a calendar year.

History: Effective July 1, 1989; amended effective January 1, 2008; October 1, 2012; October 1, 2022; April 1, 2024.

General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10, 53-06.2-10.1

Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-08, 53-06.2-10, 53-06.2-10.1