

**7883.0140 CLAIMING RACES.**

Subpart 1. **Who may claim.** In claiming races any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her authorized agent. The following persons shall be eligible to claim:

A. A licensed owner who has a horse registered to race at the current meeting.

B. A licensed owner who lost his or her last horse through fire, misfortune, or claim, may claim a horse, provided:

(1) the horse is claimed during the same race meeting that the horse was lost;

or

(2) the horse is claimed at another racetrack licensed by the Minnesota Racing Commission during a race meet operating concurrently with the race meet during which the horse was lost.

A person claiming under this item is required to establish eligibility to claim with the stewards and to receive his or her confirmation in writing prior to making a claim.

C. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until a background investigation, not to exceed ten days after filing the application, has been completed. An owner's license will not be granted until after the claiming authorization has been executed. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

D. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that the applicant is eligible to be licensed pursuant to part 7877.0130, subparts 1 and 2.

Subp. 2. **Claiming procedure.** Claims shall be made in writing on a form provided by the association and approved by the commission. Claims shall be signed and sealed in an envelope having no identification marks except:

A. the name of the track;

B. the number of the race from which the claim is being made; and

C. a time stamp provided by the track for that purpose reflecting that the claim was made not less than 15 minutes prior to the post time of the race in which the horse to be claimed is entered.

Subp. 3. **Examination of claim envelopes.** The claims clerk shall open the claim box, search for, open, and examine the claim envelopes no more than 15 minutes prior to post time for each race.

Subp. 4. **Information shall not be divulged.** No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsepersons' bookkeeper until after the race has been run.

Subp. 5. **Multiple claims determined by lot.** If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the stewards or the claims clerk.

Subp. 6. **Claims are irrevocable.** Once a claim is deposited in the claim box, the claim cannot be withdrawn or revoked.

Subp. 7. **Invalid claims.** A claim is invalid if:

A. the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;

B. the claimant does not have at least the amount of the claim and any applicable tax on deposit or credited with the horsepersons' bookkeeper;

C. the claim form does not specify the designated price as printed in the program, or is not signed, or does not fully indicate the name of the party making the claim, or is otherwise incorrectly completed; or

D. the claim envelope is inaccurate.

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

A. A claim made on a horse that suffers a fatality during the running of the race or is euthanized for a disarticulated joint, compound comminuted fracture, or fracture of the skull, spine, or pelvis, any of which occurred during or directly after the race, is automatically voided unless, prior to the race in which the horse is claimed, the claimant had elected to claim the horse regardless of the disposition of the horse.

B. An election made in item A shall be entered on the claim form in accordance with claiming rules.

Subp. 9. **Prohibition on claims.** No person or racing interest shall:

A. claim more than one horse from any one race;

B. claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;

- C. refuse to deliver a claimed horse to the successful claimant;
- D. remove any horse which has been entered in a claiming race from the grounds of the association where it has been entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse;
- E. offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;
- F. attempt to intimidate or prevent anyone from running a horse in any claiming race;
- G. claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law, or father-in-law;
- H. claim a horse from an owner whose horse is trained by the claimant's trainer;
- I. being a trainer, claim a horse from an owner for whom he or she trains;
- J. enter, or allow to be entered, any horse against which any claim is held, either by mortgage or lien of any kind without, prior to entering, having filed the written consent of the holder of the mortgage or lien with the racing secretary and horsepersons' bookkeeper. Notification of the mortgage or lien must be posted in a conspicuous place in both the racing secretary's and horsepersons' bookkeeper's offices; or
- K. claim a horse if he or she only leases a horse for racing purposes, unless the claim is executed pursuant to subpart 1, item C.

Subp. 10. **Affidavit may be required.** Whenever the stewards have reasonable doubt about the validity of a claim, they shall require a claimant to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

Subp. 11. **Claimant responsible for determining true age and sex.** Determination of the true age and sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

Subp. 12. **Disclosure of bred mare.** If a filly or mare has been bred, she is ineligible to be entered into a claiming race unless:

- A. full disclosure of that fact is on file with and posted in the office of the racing secretary; and
- B. the breeding slip has been deposited with the racing secretary; and
- C. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and

D. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or

E. in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.

Subp. 13. **Foal certificates remain in custody of racing secretary.** The foal certificate or eligibility papers of a claimed horse shall remain in the custody of the racing secretary until the new owner removes the horse from the grounds of the association.

Subp. 14. **Stakes engagements transfer to claimant.** The stakes engagements of a claimed horse transfer automatically with the horse to the claimant.

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through postrace drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.

Subp. 16. **Title to claimed horse.** Title to a horse which is claimed shall be vested in the successful claimant at the time the field has been dispatched from the starting gate and the horse becomes a starter, and the successful claimant becomes the owner of the horse whether it is sound or unsound, or injured during the race or after it, except as specified in subpart 8, item A. Only a horse that is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the commission shall have no effect upon the claim.

Subp. 17. **Horse shall run in interest of owner.** On the day claimed, a claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

Subp. 18. [Repealed, 40 SR 29]

Subp. 19. **Delivery and responsibility for postrace analysis.** A trainer whose horse has been claimed is responsible for the horse until after collection of the blood and/or urine specimens at the detention barn where delivery shall be made to the successful claimant.

Subp. 20. [Repealed, 33 SR 8]

Subp. 21. [Repealed, 20 SR 2592]

Subp. 22. **Claimed horse shall race at track claimed.** No claimed horse shall race at any other racetrack until after the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter, except to fulfill one or more stakes engagements.

Subp. 23. **Claimed horse shall not be transferred.** No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

Subp. 24. [Repealed, 40 SR 29]

Subp. 25. [Repealed, 40 SR 29]

Subp. 26. **Claiming authorization.** The commission or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

A. Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

B. Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

C. Has at least the amount of the claim on deposit or credited with the horsepersons' bookkeeper.

Subp. 27. **Claiming authorization valid for calendar year.** A claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

Subp. 28. **Claiming authorization fee.** The same fee charged for an owner's license shall be payable to the commission by the applicant prior to issuance of a claiming authorization. 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. A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

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. 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.

Subp. 29. [Repealed, 33 SR 8]

Subp. 30. [Repealed, 40 SR 29]

Subp. 31. **Waiver claiming rule.** At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided:

A. the horse has been laid off and has not started for a minimum of 120 days since its last race;

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

C. the horse is entered for a claiming price equal to or greater than the price at which it last started.

Failure to declare the horse ineligible at the time of entry may not be remedied and the ineligibility shall apply only to the first start following each such layoff.

**Statutory Authority:** *MS s 240.03; 240.13; 240.15; 240.19; 240.23; 240.24*

**History:** *9 SR 2527; 10 SR 2161; 12 SR 2393; 14 SR 2008; 15 SR 2307; 16 SR 2684; 19 SR 2307; 20 SR 2592; 21 SR 1407; 25 SR 1609; 33 SR 8; 34 SR 1135; 40 SR 29*

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