

DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION

Statutory Authority: 29 Delaware Code, Section 4815(b)(3)(c)(3) (29 **Del.C.** §4815(b)(3)(c)(3))
3 **DE Admin. Code** 1001

FINAL

ORDER

1001 Thoroughbred Racing Rules and Regulations

Pursuant to 29 **Del.C.** §10108(c) and 3 **Del.C.** §10103, the Delaware Thoroughbred Racing Commission issues this Order adopting a contractual change to Section 8.8 of the Commission's Rules.

Summary of the Evidence

1. During the Commission's meeting, held April 14, 2009, officials with The Jockeys Guild together with the Delaware Jockeys Association, and the Delaware Thoroughbred Horsemen's Association presented to the Commission a new Jockey Mount fee agreement made April 9, 2009.
2. The Commission is not a party to the agreement.

Findings of Fact and Conclusions

1. The Commission concludes that the new Jockey Mount fee agreement should replace the old Jockey Mount fee agreement in Section 8.8 of the Commission Rules.
2. The effective date of this Order will be ten (10) days from the publication of this Order in the *Register of Regulations* on May 1, 2009.

IT IS SO ORDERED this 15th day of April 2009.

Bernard J. Daney, Chairman

W. Duncan Patterson, Secretary/Commissioner

Debbie Killeen, Commissioner

Edward Stegemeier, Commissioner

Henry James Decker, Commissioner

1001 Thoroughbred Racing Rules and Regulations

(Break in Continuity of Sections)

8.0 Jockeys and Apprentice Jockeys

8.1 Probationary Mounts:

- 8.1.1 Any person desiring to participate at Licensee's premises as a rider and who never previously has ridden in a race may be permitted to ride in two races before applying for a permit as a Jockey or Apprentice Jockey, provided, however:
- 8.1.2 Such person has had at least one year of service with a racing stable and currently holds a permit issued by the Commission for a recognized activity in racing;

- 8.1.3 A registered Trainer certifies in writing to the Stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts;
 - 8.1.4 The Starter has schooled such person in breaking from the starting gate with other horses and approves such person as being capable of starting a horse properly from the starting gate in a race;
 - 8.1.5 The Stewards, in their sole discretion, are satisfied that such person intends to become a licensed Jockey, possesses the physical ability and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in such race. No such person shall be permitted to ride in any such probationary race without the prior approval of the Stewards.
- 8.2 Qualification for Permit:
- 8.2.1 In addition to satisfying the requirements applicable to Permittees, et al., imposed by Part 2 of these Rules, in order to be eligible to have an authorization or permit issued to him as a Jockey or Apprentice Jockey, a person also:
 - 8.2.2 Must be an individual 16 years of age or older;
 - 8.2.3 Must utilize in his or her application his or her legal name only so that such may be listed in the daily race program;
 - 8.2.4 Must have served at least one year with a racing stable;
 - 8.2.5 Must have ridden in at least two races; and
 - 8.2.6 Must, when required by the Stewards, provide a medical affidavit certifying he or she is physically and mentally capable of performing the activities and duties of a Jockey.
- 8.3 Amateur or Provisional Jockey:
- 8.3.1 An amateur wishing to ride in races on even terms with professional riders, but without accepting fees or gratuities therefore, must be approved by the Stewards as to competency of horsemanship, may be granted a Jockey's authorization or permit, and such amateur status must be duly noted on the daily race program. A registered Owner or registered Trainer, upon approval by the Stewards, may be issued a provisional Jockey's authorization or permit to ride his or her own horse or horse registered in his or her care as Trainer.
- 8.4 Apprentice Allowance:
- 8.4.1 An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:
 - 8.4.1.1 A ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.
 - 8.4.1.2 A seven pound allowance until the apprentice has ridden an additional 35 winners.
 - 8.4.1.3 If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.
 - 8.4.1.4 If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for more than one year or until the 40th winner, whichever comes first. An apprentice may in no event claim a weight allowance for more than two years from the date of the fifth winning mount, unless an extension has been granted pursuant to this Rule.
 - 8.4.1.5 After the completion of the weight allowances as defined in this Rule, a contracted apprentice may for one year claim three pounds when riding horses owned or trained by his or her original contract employer, provided his or her contract has not been transferred or sold since his or her first winner. Such original contract employer shall be deemed the party to the contract who was the employer at the time of the apprentice jockey's first winner.
 - 8.4.1.6 An apprentice jockey may enter into a contract with a registered owner or registered trainer qualified under Rule 8.5 for a period not to exceed five years. Such contracts must be approved by the stewards and filed with the licensee or its registrar. Such contracts shall be binding in all respects on the signers thereof. An apprentice who is not contracted

may be given an apprentice jockey certificate on a form furnished by the licensee or its registrar.

- 8.4.1.7 After the completion of the weight allowances defined in this Rule, such rider must obtain a jockey license before accepting subsequent mounts.
- 8.4.1.8 The Commission may extend the weight allowance of an apprentice jockey when, in the discretion of the Commission, an apprentice jockey is unable to continue riding due to:
 - 8.4.1.8.1 Physical disablement or illness;
 - 8.4.1.8.2 Attendance in an institution of secondary or higher education;
 - 8.4.1.8.3 Restriction on racing;
 - 8.4.1.8.4 Other valid reasons.
- 8.4.1.9 To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.
- 8.4.1.10 The Commission currently licensing apprentice jockeys shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this Rule.
- 8.4.1.11 An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

Revised 10/31/96.

8.5 Rider Contracts:

- 8.5.1 All contracts between an employer or Trainer and employee rider are subject to the rules of racing. All riding contracts for terms longer than 30 days, as well as any amendments thereto, or cancellations or transfer thereof, must be in writing with the signatures of the parties thereto notarized, be approved by the Stewards and filed with Licensee or his Registrar. The Stewards may approve a riding contract and permit parties thereto to participate in racing at Licensee's premises if they find that:
- 8.5.2 The contract employer is a registered Owner or registered Trainer who owns or trains at least three horses eligible to race at the time of execution of such contract;
- 8.5.3 The contract employer possesses such character, ability, facilities and financial responsibility as may be conducive to the development of a competent race rider;
- 8.5.4 Such contracts for Apprentice Jockeys provide for fair remuneration, adequate medical care and an option equally available to both employer and Apprentice Jockey to cancel such contract after two years from the date of execution.

8.6 Restrictions as to Contract Riders:

- 8.6.1 No rider may:
 - 8.6.1.1 Ride any horse not owned or trained by his or her contract employer in a race against a horse owned or trained by his or her contract employer;
 - 8.6.1.2 Ride or agree to ride any horse in a race without the consent of his or her contract employer;
 - 8.6.1.3 Share any money earned from riding with his or her contract employer;
 - 8.6.1.4 Repealed: 10/31/96.

8.7 Calls and Engagements:

- 8.7.1 Any rider not so prohibited by prior contract may agree to give first or second call on his or her race-riding services to any registered Owner or Trainer. Such agreements, if for terms of more than 30 days, must be in writing, approved by the Stewards and filed with the Licensee or its Registrar. Any rider employed by a racing stable on a regular salaried basis may not ride against the stable which so employs him or her. No Owner or Trainer shall employ or engage a rider to prevent him or her from riding another horse.

8.8 Jockey Fee:

8.8.1 The fee to a Jockey in all races shall be, in the absence of special agreement, as follows:

<u>Purse Level</u>	<u>Winning Mount Fee</u>	<u>Second ^{2nd} Place Mount Fee</u>	<u>Third ^{3rd} Place Mount Fee</u>	<u>Losing Mount Other Mounts</u>
\$5,000 to 9,900 Up to \$10,000	10% Of Win Purse	\$65 \$100	\$50 \$85	\$45 \$75
\$10,000 to 14,900 \$10,001 - \$14,999	10% Of Win Purse	5%	5% \$85	\$50 \$75
\$15,000 to 24,900 \$19,999	10% Of Win Purse	5%	5% \$90	\$55 \$75
\$25,000 to 49,900 \$20,000 - \$49,999	10% Of Win Purse	5%	5%	\$65 \$75
\$50,000 to 99,900 \$99,999	10% Of Win Purse	5%	5%	\$80 \$85
\$100,000 and up	10% Of Win Purse	5%	5%	\$105

8.8.2 A jockey fee shall be considered earned by a rider when he or she is weighed out by the Clerk of Scales, except when:

- 8.8.2.1 A rider does not weigh out and ride in a race for which he or she has been engaged because an Owner or Trainer engaged more than one rider for the same race; in such case, the Owner or Trainer shall pay an appropriate fee to each rider engaged for such race.
- 8.8.2.2 Such rider capable of riding elects to take himself or herself off the mount without, in the opinion of the Stewards, proper cause therefore.
- 8.8.2.3 Such rider is replaced by the Stewards with a substitute rider for a reason other than a physical injury suffered by such rider during the time between weighing out and start of the race.

8.9 Duty to Fulfill Engagements:

8.9.1 Every rider shall fulfill his or her duly scheduled riding engagements unless excused by the Stewards. No rider shall be forced to ride a horse he or she believes to be unsound nor over a racing strip he or she believes to be unsafe, but if the Stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, such rider may be subject to disciplinary action.

8.10 Presence in Jockey Room:

- 8.10.1 Each rider who has been engaged to ride in a race shall be physically present in the Jockey room no later than one hour prior to post time for the first race on the day he or she is scheduled to ride, unless excused by the Stewards or the Clerk of Scales and, upon arrival, shall report to the Clerk of Scales his or her engagements. In the event a rider fails for any reason to arrive in the Jockey room prior to one hour before post time of a race in which he or she is scheduled to ride, the Clerk of Scales shall so advise the Stewards who thereupon may name a substitute rider, in which case they shall cause an announcement to be made of any such rider substitution prior to the opening of wagering on such race.
- 8.10.2 Each rider reporting to the Jockey room shall remain in the Jockey room until he or she has fulfilled all his riding engagements for the day, except to ride in a race or to view the running of a race from a location approved by the Stewards. Such rider shall have no contact or communication with any person outside the Jockey room other than an Owner or Trainer for whom he or she is riding, or a racing official, or a representative of Licensee, until such rider has fulfilled all his or her riding engagements for the day.

8.10.3 Licensee shall take measures designed to exclude from the Jockey room all persons, except riders scheduled to ride on the day's program, Valets, authorized attendants, Racing Officials, representatives of Licensee and persons having special permission from the Stewards to enter the Jockey room.

8.10.4 Any rider intending to discontinue riding at a race meeting prior to its conclusion shall so notify the stewards not later than after fulfilling his or her final riding engagement of the day he or she intends to depart.

8.11 Weighing Out:

8.11.1 Each rider engaged to ride in a race shall report to the Clerk of Scales for weighing out not more than one hour and not less than 15 minutes before post time for each race in which he or she is engaged to ride and to report their weight and overweight, if any, at a time designated by the Stewards.

8.11.2 No rider shall pass the scale with more than one pound overweight, without the consent of the Owner or Trainer of the horse he or she is engaged to ride. In no event shall a rider pass the scale with more than five pounds overweight.

8.11.3 No horse shall be disqualified because of overweight carried.

8.11.4 Whip, blinkers, number cloth, bridle and rider's safety helmet and rider's safety vest (with a minimum British rating of #5) shall not be included in a rider's weight.

Revised: 10/20/93

8.12 Wagering:

8.12.1 No rider shall place a wager, or cause a wager to be placed on his behalf, or accept any ticket or winnings from a wager on any race, except on his or her own mount to win, or a combination wager on his or her own mount to win, place and show, and except through the Owner or Trainer of the horse he or she is riding. Such Owner or Trainer placing wagers for his rider shall maintain a precise and complete record of all such wagers and such record shall be available for examination by the Stewards at all times.

8.13 Attire:

8.13.1 Upon leaving the Jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional Jockey costume with all jacket buttons and catches fastened. Except with the approval of the Stewards, each Jockey shall wear the cap and jacket racing colors registered in the name of the Owner of the horse he or she is to ride, white or light breeches, top boots, safety helmet approved by the Commission, safety vest approved by the Commission and a number on his or her right shoulder corresponding to his or her mount's number as shown on the saddle cloth and daily race program. The Clerk of Scales and attending Valet shall be held jointly responsible with a rider for his or her neat and clean appearance and proper attire.

Revised: 10/20/93

8.14 Viewing Films or Tapes of Race

8.14.1 Every rider shall be responsible for checking the film list posted by the Stewards in the Jockey room the day after riding in a race, the posting of same to be considered as notice to all riders whose names are listed thereon to present themselves at the time designated by the Stewards to view the patrol films or video tape of races. Any rider may be accompanied by a representative of the Jockey organization of which he or she is a member in viewing such films or, with the Stewards' permission, be represented at such viewing by his or her designated representatives.

4 DE Reg. 174 (7/1/00)

4 DE Reg. 1131 (1/1/01)

12 DE Reg. 1403 (05/01/09) (Final)