



ADMINISTRATIVE RULES OF MONTANA



8.22.2402 DEFINITIONS

In applying the rules, the following definitions shall apply unless clearly inconsistent with the plain intent of the rule. Singular use of a term shall include the plural, and the masculine gender shall include the feminine, except where a particular context clearly requires a different meaning.

- (1) Added money is the money an association adds to the fees paid by horsemen.
- (2) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.
- (3) Arrears means money due for entrance fees, jockey fees, nomination or supplemental fees in stakes races, purchase money in claiming races or default in any payment due incidental to the rules of racing or conditions of a race.
- (4) Authorized agent is a person appointed on a notarized instrument, signed by the owner granting authority to act on behalf of the owner and filed with the board.
- (5) Breeder of a horse is the owner of its dam at the time of foaling.
- (6) Bred means the state in which a horse was foaled. In the case of foreign horses, the country in which it was foaled.
- (7) Calendar day is 24 hours, ending at midnight.
- (8) "Board" means the Montana Board of Horse Racing in this chapter.
- (9) Breakage is the odd cents over any multiple of 10 cents in the amount calculated on a dollar basis of the pay-off computation made on a wagering pool.
- (10) Declared means scratched as defined below.
- (11) Directive means an official order issued by the board.
- (12) "Entrant" or "entry" means according to the requirement of the text:
 - (a) a horse eligible to run in a race;
 - (b) for the purpose of simulcast only, two or more horses which are entered in a race by the same owner or trained by the same trainer.
- (13) Equipment as applied to a horse means whip, blinkers, tongue strap, muzzle, hood, noseband, bit shadow roll, martingale, breast plate, bandage, boot, plates, and all other paraphernalia common or otherwise which might be used on or attached to a horse while racing.
- (14) Field means:

- (a) When the individual horses competing in a race exceed the capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together in the wagering and called the field.
- (b) All horses competing in a race.
- (15) Forfeit means money due because of an error, fault, neglect of duty, breach of contract or penalty.
- (16) Horse includes filly, mare, colt, ridgeling, or gelding; when referring to sex, a filly becomes a mare when five years old; a horse is an entire male five years old or older.
- (17) Jockey is a race rider whether a licensed jockey or apprentice.
- (18) Law means an act passed by the Montana Legislature or the Congress of the United States.
- (19) "Lessee" means a person who leases the horse from the actual owner (lessor) and is treated as the owner for racing purposes.
- (20) Lessor means the actual owner of a horse.
- (21) Licensee means a corporation, association, firm, political subdivision (fairs), or individual(s) receiving a license from the board to conduct parimutuel horse racing. The term licensee includes "persons" as used in 23-4-101, MCA.
- (22) "License holder" is the individual or firm issued a license by the board.
- (23) Maiden for purposes of eligibility at race meetings is a horse which, at the time of starting, has never won a race on the flat in any country.
 - (a) A maiden which has been disqualified after finishing first is still a maiden.
- (24) Meeting is the entire period the licensee has been granted a license to conduct horse racing. Such meeting shall be deemed to open when the racing secretary opens the office for entries for the first day of racing and to close at midnight of the final day.
- (25) Month is a calendar month.
- (26) Nominator means the person in whose name a horse is entered for a stakes race.
- (27) "Montana bred" is a foal born in Montana.
- (28) "Owner" means sole owner or part owner of a horse.
- (29) Place in racing means first, second, and third, and in the order of finish called, win, place, and show.
- (30) Post position is the position assigned to a horse to start in a race.
- (31) Post time means the time set for the arrival at the starting point of the horses in a race and must be posted a reasonable time before a race.
- (32) Quarter horse means a horse registered with the American Quarter Horse Association.
- (33) "Race" is a contest between horses or mules for a purse and/or entry fees on a track under the jurisdiction of the board to be conducted under the parimutuel system of wagering with approved officials present.
- (34) Race meet means that time construed to begin at the time the racing office is first open to accept entries and to end at midnight the last day races are held.

(35) Races means the following classifications:

- (a) Allowance race means a race in which contestants receive weight allowance based on performance and/or winnings is stipulated in the conditions.
- (b) Claiming race means a race in which any horse entered therein may be claimed in conformity with the rules.
- (c) Free handicap means a handicap in which no liability for entrance money is incurred.
- (d) "Handicap" means a race in which the weights to be carried by the entered horses are assigned by the racing secretary for the purpose of equalizing their respective chances of winning.
- (e) "Invitational handicap" means a handicap for which the racing secretary has selected the contestants and assigned the weights.
- (f) Montana bred race means a race in which the contenders are Montana bred horses as stipulated in the conditions.
- (g) Optional claim race means a race restricted to horses entered to be claimed for a stated claiming price and to those which have previously started for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purpose of these rules, a claiming race.
- (h) Overnight race means a race for which entries close 72 hours or less before the time set for the first race of the day on which such race is to be run.
- (i) Post race means a race in which subscribers announce at declaration time the horse or horses each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.
- (j) Private sweepstakes means a race in which no money or other prize is added, and which, prior to closing, has not been advertised in publications or by circular or entry blank or in any other way.
- (k) Produce race means a race in which the produce of previously nominated horses are eligible to enter.
- (l) Purse race means a race for money or other prize to which the owners of the horses engaged do not contribute.
- (m) Stakes race or sweepstakes means a race to which the nominator of the engaged entry contributes to a purse, to which money, or any other award, may be added, but no overnight race, regardless of its conditions shall be deemed to be a stakes race.
- (n) Special weights mean a race in which weight for age and/or sex is set by the conditions thereof.
- (o) Walkover means a race in which two or more horses in different interest fail to contest a race; the race being contested by one horse only or horses representing one interest only.
- (p) Weight for age means a race in which all horses carry weight according to an established scale based upon age without other penalties or allowances.

(36) Rules are the rules herein prescribed and any amendments and additions hereto.

- (37) Ruled off means denial of entrance to premises of a licensee under the jurisdiction of the board.
- (38) Scratched means withdrawal of a horse entered in a race after the closing of overnight entries.
- (39) Scratch time means the time set for withdrawal of a horse entered in a race.
- (40) Starter means:
 - (a) An official who dispatches the horses from the starting gate.
 - (b) A horse is a starter when the stall doors of the starting gate open in front of it at the time the official starter dispatches the horses.
- (41) Stewards means the stewards approved for the meeting by the board.
- (42) Subscription means a fee for eligibility of a horse in a stakes race.
- (43) Suspended means withdrawal by the stewards or board of racing privileges.
- (44) Thoroughbred is a horse registered with the New York Jockey Club.
- (45) "Tote" or "tote board" means the totalizator system.
- (46) Winner means, for purposes of eligibility at race meetings whose race records are recorded in an official chart book or the Daily Racing Form, a horse which, at the time of starting, has won a race on the flat in any country at a track whose racing records are recorded in an official chart or the Daily Racing Form.
 - (a) A horse which has been disqualified after finishing first is not a winner.
 - (b) A statement on the definition of a winner shall appear in every race program.
- (47) Year means a calendar year.
- (48) "Simulcast facility licensee" means a simulcast facility licensed by the board. The simulcast facility may be located either at a racetrack or at an outside location and is deemed to be an extension of the host track during intrastate wagering and an extension of the simulcast network licensee during interstate wagering.
- (49) "Simulcast network licensee" means an association licensed by the board to receive and/or originate intrastate simulcast race signals and relay them to licensed simulcast facilities; to receive interstate race signals and relay them to licensed simulcast facilities; and to manage statewide wagering pools on simulcast races.
- (50) Track licensee means a corporation, association, firm, political subdivision (fair board, or individual(s)) licensed by the board to conduct live parimutuel horse racing at a racetrack.

Authorizing statute(s): 23-4-104, 23-4-202, MCA

Implementing statute(s): 23-4-101, 23-4-104, 23-4-202, MCA

History: Eff. 12/31/72; AMD, 1979 MAR p. 39, Eff. 1/26/79; AMD, 1980 MAR p. 1277, Eff. 4/25/80; AMD, 1981 MAR p. 423, Eff. 5/1/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984

MAR p. 320, Eff. 2/17/84; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1989 MAR p. 2189, Eff. 12/22/89; AMD, 1991 MAR p. 355, Eff. 3/29/91; AMD, 1994 MAR p. 1282, Eff. 5/13/94; AMD, 1994 MAR p. 3184, Eff. 12/23/94; AMD, 1996 MAR p. 763, Eff. 3/22/96; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1897, Eff. 5/17/02; AMD, 2009 MAR p 1592, Eff. 9/11/09; TRANS, from 32.28.202, 2015 MAR p. 2252, Eff. 12/25/15; AMD, Notice No. 2025-89, Eff. 4/26/25.