



ADMINISTRATIVE RULES OF MONTANA

8.22.2701 LICENSES ISSUED FOR CONDUCTING PARIMUTUEL WAGERING ON HORSE RACING MEETINGS

- (1) Every license to hold a race meeting, live or simulcast is granted by the board upon the condition that the licensee shall enforce the laws of Montana and shall observe and enforce all rules of racing and board directives. Failure to comply may constitute sufficient cause for revocation of license by the board.
- (2) Any corporation, association, organization, political subdivision (fairs) , partnership or individual desiring to conduct parimutuel wagering on live or simulcast horse races or to engage in horse race meetings shall apply to the board for dates and a license.
- (3) The application for a license to conduct a live race meeting with parimutuel wagering during the next succeeding season of racing must be filed with the secretary of the board over the signature of the applicant or the signature of an executive officer of the applicant no later than November 1, unless, for good cause shown, the board shall otherwise permit.
 - (a) The application for a license to conduct a simulcast meeting with parimutuel wagering must be filed with the secretary of the board over the signature of the applicant or the signature of an executive officer of the applicant and may be filed at any time, and will be reviewed by the board as submitted.
- (4) The application shall specify the days on which such races or meetings are to be held, the name or names of the applicant or applicants desiring the license together with the location and the enclosure where the same are to be held. If the application is for a license to conduct a live race meeting and the applicant desires to use the parimutuel system in connection with simulcast interstate or intrastate races, the application shall specify which simulcast races it desires to use the parimutuel system with. The board may require additional data and information in writing or it may require the applicant to appear before it. Each application to conduct a race meeting will be handled on an individual basis by the board, and the board will approve those race meetings it deems appropriate. Each application to conduct a live race meeting shall include:
 - (a) proof of financial stability;
 - (b) names of stockholders, firm members, association members, directors, or executive officers;
 - (c) a description of medical and veterinary facilities;
 - (d) a description of security measures.
- (5) Each application to conduct a simulcast race meeting will be handled on an individual basis by the board. Each application for a simulcast network or simulcast facility license shall include:
 - (a) proof of financial stability;

- (b) names of stockholders, firm members, association members, directors and executive officers;
 - (c) a description of facilities and equipment;
 - (d) a description of security measures; and
 - (e) copies of all contracts for simulcast broadcasting of races and parimutuel systems.
 - (f) A simulcast network license applicant must also demonstrate the ability to operate statewide parimutuel pools on races that are conducted out of state.
- (6) The board may refuse to issue a license to conduct a live race meeting whenever, in its judgment, such refusal shall appear to be in the best interest of Montana horse racing. Attention will be given to the following considerations:
- (a) opportunity for the sport of horse racing to properly develop;
 - (b) avoidance of competition between licensees which may cause hardship;
 - (c) extent of community support for the promotion and continuance of the race meeting;
 - (d) the character and reputation of the individuals identified with the undertaking;
 - (e) tenure of race meet.
- (7) The board may refuse to issue a license to conduct a simulcast race meeting whenever, in its judgment, such refusal shall appear to be in the best interest of Montana horse racing. Attention will be given to the following considerations:
- (a) the best interests of live racing facilities in Montana;
 - (b) avoidance of competition between licensees which may cause hardship or be counterproductive or wasteful;
 - (c) extent of community support for the promotion and continuance of the race meeting;
 - (d) the experience, past record and present status of individuals identified with the business of the applicant, which demonstrate that the applicant is likely to conduct its business in compliance with the laws.
- (8) If there are two or more applications requesting licenses to conduct live race meetings on one or more identical dates the applicant shall be notified and a hearing will be held in conformity with subchapter 3. If the board refuses to allot dates or issue a license for a race meeting for any reason other than conflicting dates, the applicant refused dates or a license may appeal to the board and a hearing will be held in conformity with subchapter 3. Criteria for the award of race meetings and race dates when there are two or more applications for identical dates shall include, but not be limited to, the following:
- (a) interest of the state;
 - (b) interest of the track owner;
 - (c) quality of the horses competing;
 - (d) track facilities;
 - (e) geography;

- (f) skill in management;
 - (g) financial stability of applying track;
 - (h) opportunity for the sport of horse racing to develop;
 - (i) hardship that may be caused by awarding overlapping race dates;
 - (j) extent of community support for the promotion and continuance of race meets or race dates;
 - (k) character and reputation of the individuals identified with the undertaking;
 - (l) tenure of race meets being considered.
 - (m) No applicant has a vested right to race dates. The board may award all, none or part of the race dates applied for. No single criterion is compelling or binding on the board.
- (9) If there shall be two or more applications requesting licenses to conduct simulcast race meetings on one or more identical dates in the same county the applicants will be notified and a hearing will be held in conformity with subchapter 3 hereof. If the board refuses to issue a license for a simulcast race meeting, the applicant refused a license may appeal to the board and then a hearing will be held in conformity with subchapter 3 hereof. Criteria for the award of simulcast race meetings and simulcast race dates when there are two or more applications for identical dates in the same county shall include, but not be limited to, the following:
- (a) interest of the state;
 - (b) the best interest of live racing facilities within the state;
 - (c) the best interest of the simulcast facility owner;
 - (d) simulcast facilities;
 - (e) geography and location;
 - (f) experience, skill and integrity in management;
 - (g) financial stability of applicant;
 - (h) opportunity for the sport of horse racing to develop;
 - (i) hardship that may be caused by awarding overlapping simulcast race dates;
 - (j) extent of community support for the promotion and continuance of simulcast race meets or simulcast race dates;
 - (k) character and reputation of the individuals identified with the undertaking; and
 - (l) tenure of simulcast race meets being considered.
 - (m) No applicant has a vested right to race dates. The board may award all, none or part of the race dates applied for. No single criterion is compelling or binding on the board.
- (10) Every track licensee shall have on file with the board at least ten days prior to the opening of any race meeting, a copy of an adequate liability insurance contract covering all persons at the race meeting.

- (11) Every simulcast network and simulcast facility licensee shall have on file with the board at least ten days prior to the opening of any race meeting, copies of an adequate public liability insurance contract covering all persons who may be in attendance at the facility, and an adequate accident insurance contract covering all employees working at the facilities.
- (12) No license or any part thereof is transferable or assignable without the express written consent of the board. No license, or any part thereof, is refundable.
- (13) Any request by a licensee to relinquish or cancel dates allotted to said licensee shall be filed in writing with the board within 30 days after the final awarding of dates for the ensuing racing season. The board will then consider whether or not to grant the request to relinquish, and shall notify the licensee in writing of its decision. If a date relinquishment is granted by the board, any other applicant may request the vacant dates. A date relinquishment may be denied by the board, and failure of a licensee to conduct racing on all dates allotted to the licensee by the board thereafter shall subject the licensee to a fine not to exceed the sum of \$500 per day for each racing day allocated and not used, unless such non-use or cancellation of racing was due to fire, riot, strike, inclement weather, act of God or other causes deemed excusable by the Board of Horse Racing.
- (14) Each licensee shall submit to the board for approval a list of all officials indicating the position they are to fill and shall include relevant personal data on each individual sufficient to permit processing and licensing. The list shall be submitted in writing at least 30 days prior to the first day of scheduled racing. All additions or changes in the list of officials and employees shall be immediately reported in writing to the board. No racing official shall be qualified to act until board approval has been given. In cases of emergency the licensee may employ a substitute official to be approved by the board within 24 hours.
- (15) Each track licensee shall employ the following officials:
 - (a) a director of racing;
 - (b) a racing secretary;
 - (c) a parimutuel manager;
 - (d) paddock judge;
 - (e) a starter;
 - (f) an identifier;
 - (g) a jockey room attendant, and such other officials and employees as required by the board or deemed necessary according to the requirements of the particular racing operation;
 - (h) security director.
- (16) Each simulcast network licensee shall employ a director of simulcast network.
- (17) Each simulcast license facility licensee shall employ the following officials:
 - (a) a director of the facility;
 - (b) parimutuel employees.
 - (c) One person may hold more than one license and serve more than one official position under this provision, except where the board determines to the contrary.

- (18) Upon prior approval by the board, any official employed by the licensee may act in a dual capacity to avoid financial hardship. However, proper supervision of racing in accordance with the rules of racing must be maintained at all times. The board may require that additional officials be present at race meetings and in such event will so notify the licensee, see ARM 32.28.701(1) .
- (19) Members of the board and its designated representatives shall have the right to full and complete entry to any and all parts of the grounds and mutuel plants of the licensee.
- (20) Each licensee shall provide within its grounds an office for the use and to be at the disposal of the board, its representatives and officials.
- (21) The board or its designated representatives shall visit and inspect each race meeting. Each licensee shall make available to the board and mark accordingly a box of four seats for their use throughout each day of the race meeting. The private cars of the board members shall have access to the restricted parking area of all licensed tracks.
- (22) Each licensee shall police its grounds at all times in such manner as to preclude the admission of any person in and around the stable area, except those persons licensed by the board and having bona fide business in the stable area, and the employees of the licensee.
- (23) Each licensee shall exclude from the paddock, in the interest of public safety, all persons having no immediate business with the horses entered, except members of the board and their duly assigned representatives and individuals having special permission from the licensee.
- (24) A track licensee shall conduct live parimutuel horse racing only between the hours of 12 noon and sunset unless otherwise specifically authorized by the board.
- (25) Licensee shall not allow more than eight horses to run in any race upon a half mile track without special authorization from the board.
- (26) The number of races over 12 per day at all tracks shall be subject to the approval of the board.
- (27) Post-time of the first race at each live race meeting must be approved by the board.
- (28) Each track licensee shall file with the board the condition of races it proposes to hold, together with the stake and purse schedule, no later than March 1. Failure of a track licensee to submit its stakes conditions on or before March 1 shall subject the licensee to a fine of \$25 for each day the submission is late, to be paid before issuance of the track license. In any stakes race, the conditions for said races shall be submitted to the board for approval prior to circulation of any such information by a licensee.
- (29) Each track licensee conducting a live race meeting shall provide and maintain, each day that their tracks may be opened for racing horses, both a human ambulance and a horse ambulance equipped and ready for immediate duty, 30 minutes prior to the first race and until after completion of the last race.
- (30) Each track licensee conducting a live race meeting shall provide adequate first aid for patrons and participants. The board may at any time require the expansion of these facilities. The extent of first aid required shall be considered on an individual basis by the board.
- (31) Each track licensee shall promptly pay all purse money and all Montana breeders' bonuses, and in no event shall the payment of the winning purse be delayed more than five days after the licensee is notified to release the purse by the stewards. All other purse payments shall be made or made available within 48 hours after they have been earned.

- (a) All breeders' bonuses shall be paid to the board within 14 days after they have been earned.
 - (b) The board shall distribute the breeders' bonuses to the appropriate breeders within 30 days of the end of the race meet in which the bonus was earned.
- (32) Each licensee shall make adequate provision for toilets, showers, and drinking water for the use of jockeys, which shall be conveniently located on the grounds; and such additional toilet, shower, and drinking water facilities as may be necessary for the comfort and convenience of license holders, employees of the licensee and its patrons.
- (33) Licensees shall at all times maintain their facilities in good condition with special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race, and of all whose business requires their attendance at the track. The licensee shall have available adequate and proper implements to maintain a uniform racing surface, weather conditions permitting.
- (a) The licensee shall take cognizance of any complaint regarding the safety of its race course or premises, and shall maintain in safe condition the race course and all rails and other equipment required for the conduct of its races.
- (34) Each licensee shall provide adequate protective facilities to prevent tampering with horses or other corrupt practices at licensed race meetings. The board may at any time require the licensee to expand the protective services. The extent of protective services to be furnished shall be determined on an individual basis by the board.
- (35) Each licensee conducting a race meeting shall furnish racing colors. A color must be assigned to each post position and shall be standard for the state. The standard colors for all race tracks shall be:
- (a) red - post position #1
 - (b) white - post position #2
 - (c) blue - post position #3
 - (d) yellow - post position #4
 - (e) green - post position #5
 - (f) black - post position #6
 - (g) orange - post position #7
 - (h) pink - post position #8
 - (i) turquoise - post position #9
 - (j) purple - post position #10
- (36) Each color assigned to a post position must be indicated directly below the number of the post position in the official program. No person shall start a horse in racing colors other than those set as standard colors above, except in case of emergency a temporary change from a standard color of a post position may be approved by the stewards; such a change must be posted by the clerk of the scales on the bulletin board together with the number of the horses as exhibited after weighing out. The use of colors which are not neat, clean and proper in all respects shall not be permitted.

- (37) Licensed owners and trainers participating in licensed meeting shall be able to purchase feeds and supplies on the open market. Licensees may grant exclusive concessions on the grounds so long as owners and trainers are allowed to purchase off the grounds.
- (38) The licensee is to set apart a building or other enclosure in a building in a location acceptable to the board containing such facilities for medication or other testing of horses as may be required.
- (39) Each licensee shall make adequate provisions for fire prevention and fire suppression within the race meeting premises.
- (40) Each licensee shall cause the race track to be surveyed by a registered land surveyor who is licensed to do business in Montana. A certificate of survey of the race track by the surveyor shall be filed with the board upon the board's request. The finish line and all racing distances shall be clearly marked on both sides of the track.
- (41) All distance poles/markers shall be painted as follows:
 - (a) 1/4 red and white
 - (b) 1/8 green and white
 - (c) 1/16 black and white
- (42) Permanent markers must be located at each standard quarter horse distance. Markers must be located where they can be seen clearly from the judge's stand. Each pole is to be painted a standard color.
 - (a) 220 yards - white
 - (b) 250 yards - blue
 - (c) 300 yards - yellow
 - (d) 330 yards - green
 - (e) 350 yards - red
 - (f) 400 yards - black
 - (g) 440 yards - orange
- (43) Each racing licensee shall police its grounds at all times in such manner as to preclude the admission of any person in and around the stables excepting those being duly licensed by the board or authorized by the licensee. If the board finds that the stables of a licensee are not properly policed and unauthorized persons are found in and around the stables, the licensee may be fined an amount not exceeding \$200, in the discretion of the board for each day in which the infraction was found to occur.
- (44) Each licensee shall provide a communication system approved by the board between the stewards' stand and the starting gate, paddock, patrol judge's stand, the clerk of scale, jockey's room and racing secretary, and the parimutuel area.
- (45) No photographer, other than the official licensed photographer, shall be permitted on the track unless special permission is granted by the stewards or the board, and then only for such pictures as are specifically mentioned, and in such places as are indicated by the stewards or the board.

- (46) Each licensee at the end of their race meet shall provide the board with evidence that the following have been paid in a timely manner:
- (a) all purse money;
 - (b) all breeders' awards;
 - (c) all jockey dues.
- (47) All stakes payments, nomination fees and entrance fees shall be placed in an account separate from any other account containing operating capital used by a licensed track. No stakes payments, nomination fees, or entrance fees may be used for operating expenses, except for a percentage of the account authorized by the Montana Board of Horse Racing, and interest generated on the account. The board or its representative shall audit the stakes accounts on a monthly basis. The account balance shall be reported as part of the bookkeeping records.

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, 2005 MAR p. 383, Eff. 3/18/05; AMD, 2006 MAR p. 680, Eff. 3/10/06; TRANS, from 32.28.501, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2020 MAR p. 574, Eff. 3/28/20.