

2019 RULE CHANGES

The following rule and bylaw changes were adopted by the USTA Board of Directors at the 2019 Annual Meeting. These rules go into effect on May 1, 2019. Newly adopted rules or amendments appear in **bold**, deletions are ~~struck out~~.

1. **§4.60 Extended Break.** —**An extended break shall be defined as a horse that is not on its proper gait for 25 consecutive strides or more.**
2. §5.08 (d)(6) Paddock Rules - Any person or persons approved by the presiding judge and track member **who is/are industry recognized media** or is a guest of an owner competing that day.
3. §Rule 11.01 Persons Eligible to Claim. - Any current active member of the USTA ~~and/or other individual~~ **who is** properly licensed to claim by the state racing authority having primary jurisdiction over the race meeting may make a claim for any horse subject to claim at ~~such a licensed race~~ meeting. **Any current active member of the USTA may make a claim for any horse subject to claim at a race meeting under the jurisdiction of the USTA.** An authorized agent may claim for a person qualified to claim in his or her own right, but only for the account of that person for whom he or she is agent.
4. §Rule 14.06 Entry Box. - The track member shall ~~provide a locked box with an aperture~~ **facilitate a secured process** through which entries ~~shall be deposited~~ **may be received**. The presiding judge shall be responsible for the entry process.
5. §Rule 16.02 Scoring of Horses/Coming to Starting Gate.—All horses must parade in order in front of the grandstand unless excused by the judges. Drivers must keep feet in stirrups or any foot supports from the formation of the post parade until after passing the grandstand. During or before the parade the drivers must be informed as to when to approach the gate. The horses shall be brought to the starting gate no nearer than one ~~eight~~ **quarter** of a mile before the start as the

racetrack will permit. On mile tracks, horses will be brought to the starting gate at the head of the stretch.

§Rule 16.03 Speed of Gate. - The starter shall cause the gate to move toward the starting point, gradually increasing the speed of the gate to maximum speed. When the speed has been reached in the course of a start, there shall be no decrease except in the case of a recall. ~~Allowing sufficient time so that the speed of the gate can be increased gradually the following minimum speeds will be maintained.~~

~~(a) For the first 1/8 mile, not less than 11 miles per hour.~~

~~(b) For the next 1/16 of a mile not less than 18 miles per hour.~~

~~(c) From that point to the starting point, the speed will be gradually increased to the maximum speed.~~

~~(d) When the speed has been reached in the course of a start there shall be no decrease except in the case of a recall.~~

6. **§16.04 Charging the Gate.—Subject to the age, experience and post position of the horse and the condition of the racetrack, during extended pari-mutuel meetings, each horse in the first tier shall approach the starting gate reasonably in concert with the other horses in the field and shall be on the gate at the start. If the judges deem that a driver has intentionally laid off the gate and then charged it near the start in order to gain an advantage at the start, the driver shall be fined or suspended or both.**

7. **§Rule 16.08 Violations of the Starting Rule. - A fine or suspension from driving may be applied to any driver by the starter **and/or judges** for:**

(a) Delaying the start.

(b) Failing to obey the starter's instruction.

(c) Rushing ahead of the inside or outside wing of the gate.

(d) Coming to the starting gate out of position.

(e) Crossing over before reaching the starting point.

(f) Interfering with another driver during the start.

(g) Failing to come up into position.

(h) After coming to the gate, failing to keep one line in each hand until the word "go," except for the purpose of adjusting equipment.

A hearing must be granted or waived before any penalty is imposed. **A fine or suspension as a result of any of the above may be increased based upon the advertised purse amount, or if the violation is deemed to have been committed in order to aid another horse with common ownership or a common trainer.**

~~8. §Rule 16.10 Holding Horses Before Start. — Horses may be held on the backstretch not to exceed 2 minutes awaiting post time except when delayed by an emergency.~~

9. §Rule 16.11 Starting Two Tiers of Horses. - **At extended pari-mutuel meetings**, in the event there are two tiers of horses the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

Whenever a horse is withdrawn from either ~~any tier~~, horses on the outside move in to fill up the vacancy. ~~When a horse has drawn a post position in the second tier the driver of such horse may elect to score out behind any horse in the first tier so long as he does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position.~~ **In a race with a single trailer, the driver may select any position in the second tier. In a race with multiple trailers, the driver of the first horse in the second tier may elect to score out behind the first or second horse in the first tier. The horse drawing the second post in the second tier shall score behind the third or fourth horse in the first tier. The horse drawing the third post in the second tier shall score behind the fifth or sixth horse. Any horse drawing a post position outside those already referenced shall be placed in a consistent manner behind the appropriate horses from the first tier. If there are more trailers than designated post positions in the second tier as described above, the judges shall determine proper starting positions for the second tier horses.**

10. §Rule 18.01 Driving Violations.— ~~Although a leading horse is entitled to any part of the racetrack~~ **At extended pari-mutuel tracks, a leading horse is not to be more than four feet from the inside rail/pylons** except after selecting his position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following things, any of which shall be considered a violation of the driving rules:

(a) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride.

(b) Strike, hook wheels or **physically** interfere with another horse or driver, **or otherwise drive in a careless manner or fail to maintain reasonable control of the horse at all times during the race. For any violation that results in contact with another horse, driver or bike, the driver shall receive a minimum driving suspension of three days.**

(c) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner endangering other drivers.

(d) Swerve in and out or pull up quickly, **unless such action is taken for the safety or welfare of the horse or driver.**

(e) Crowd a horse or driver by “putting a wheel under him.”

(f) Carry a horse out.

(g) **Slow** down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

(h) Let a horse pass inside needlessly or otherwise help another horse to improve **its position in the race by opening up a hole without then promptly pulling to re-pass the horse, unless the failure to re-pass is necessitated by safety reasons.**

(i) Commit any act which shall impede the progress of another horse or cause him to break.

(j) Change course after selecting a position in the home stretch or swerve in and out or bear in and out in such a manner as to interfere with another horse or cause him to change course or take back.

(k) Kicking shall be defined as a blow or thrust with the foot against any part of the horse’s body or to impel by striking with the foot at

any time on the racetrack, including before, during or after the race. Removal of a foot from the stirrups or any foot supports in and of itself shall not constitute the offense of kicking. The penalty for kicking as defined herein shall not be less than nine days suspension.

(l) **Foot Out of Stirrup.**— It shall be considered a violation if a driver makes any contact with the horse while both feet are in or out of the stirrups or any foot supports. A driver shall be allowed to remove a foot from the stirrups or any foot supports temporarily for the purpose of pulling earplugs or to adjust equipment.

(Delete/move from 18.08)

(m) Cross the inside limits of the course.

(n) **Fail to make a reasonable effort to advance when pulling to the outside.**

(o) **Turn the horse abruptly after the finish line of the race in order to return to the paddock or barn area.**

If a violation of Rule 18 occurs during an extended pari-mutuel meeting and results in a suspension from driving, the suspension must be served by the driver during that meeting unless the appeal process carries beyond the end of the meeting, in which event the suspension must be served during the same time of year that a subsequent pari-mutuel meeting is being conducted at that race track.

11. §Rule 18.09 Whip Regulations/Prohibitions. – Drivers will be allowed **only black** whips not to exceed four (4) feet, plus a snapper not longer than six (6) inches.

12. §Rule 18.13 Horse Breaking from Gait. - When a horse breaks from its programmed gait, the driver shall at once, where clearance exists, take such horse to the inside or outside and pull it to its gait. The following shall be considered violations:

(a) Failure to properly attempt to pull the horse to its gait.

(b) Failure to take to the outside where clearance exists.

(c) Failure to continuously lose ground while offstride.

(d) Committing an extended break, in which the horse may be placed last.

If there has been no violation of (a), (b), (c) or (d) above, the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. However, notwithstanding the foregoing, if interference caused by another driver or horse has caused the horse to be on a break at the finish, the judges may, in their discretion, determine not to set the horse back even if a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. The judges may set any horse back one or more places if, in their judgment, any of the above violations has been committed and the driver may be subject to a fine or suspension or both.

§Rule 18.14 deleted and combined with §Rule 18.13.

13. §Rule 18.21 Use of Wheel Discs, Mud Fenders **and Mud Aprons**. - It shall be the responsibility of the owner, trainer or driver to provide every sulky used in a race with solid one-color or colorless wheel discs on the inside and outside of the wheel. In his or her discretion, the presiding judge may order the use of ~~mud guards~~ **properly affixed mud fenders and mud aprons at extended pari-mutuel tracks**.

14. §Rule 17.02 Mandatory Licensing of Trainers. - No person shall be programmed as the trainer of a horse **in any race of a track member** without having first obtained an active membership including a trainer's license.

15. §Rule 9.07 Horses 15 years of Age or Older. - No horse that is 15 years of age or older is eligible to perform in any race except matinees, county fair races, ~~or~~ races exclusively for amateur or club drivers as sanctioned by USTA, **or non-betting racing under saddle events** and no electronic eligibility shall be issued for such a horse except for a performance in such races.

16. §Rule 19.04 Age and Gait of Horse. - No horse under the age of three (3) and no older than fourteen (14) years of age shall be eligible to start, **except in the case of non-betting events as per Rule 9.07**. ~~Racing Under Saddle races shall~~

~~be restricted to the trotting gait.~~ **Racing Under Saddle Races may be raced on the trot or pace.**

17. Article VIII – Other Appeals

Article

8.01 Right of Appeal

8.02 Filing of Appeal

8.03 Hearing the Appeal

8.04 Time for Hearing Appeal

8.05 Appeal Decisions

8.06 Prohibition Against Further Appeal

§8.01 Right of Appeal. – Any suspension, fine, denial of membership, denial of license, reprimand, termination of office, or other penalty ordered by the president, the executive vice president or a committee designated by the board may be appealed; provided, however, that any such disciplinary action that is taken against any person by the board as a whole may not be appealed.

§8.02 Filing of Appeal. – A request for an appeal hearing shall be filed in writing with the executive vice president of the association within thirty (30) days after the date of the decision or ruling.

§8.03 Hearing the Appeal. – The executive committee shall hear any appeal of an action taken under Article XII of the bylaws. The district board of the district from which the application was received or the subject matter of the determination arose shall hear all other appeals.

§8.04 Time for Hearing Appeal. – Appeals shall be heard at the next scheduled meeting of the appropriate district board or executive committee after an appeal is filed, unless a continuance is requested by the appellant. Each appellant shall only be entitled to one continuance.

§8.05 Appeal Decisions. – Decisions of all appeals heard by a district board shall be final unless the president or executive vice president refuses to concur, in which case such decisions shall be referred for further hearing to the executive committee. The executive committee shall have the power to vacate, modify, increase or reduce any penalty, in its discretion. Decisions of all appeals heard by the executive committee shall be final, whether as an initial appeal or as a further hearing of an appeal initially heard by a district board.

§8.06 Prohibition Against Further Appeal. – After the district board or executive committee has made a final determination of an appeal, no further hearing on the same matter shall be granted, except that a denial of membership may be appealed by the same applicant after the expiration of two (2) full years following the previous appeal hearing.

18. Article X – Association Governance

Article

12.01 Duties and Responsibilities of Directors and Officers

12.02 Conflicts of Interest

12.03 Abuse and Harassment

12.04 Whistleblower Policy

12.05 Document Retention

§12.01 Duties and Responsibilities of Directors and Officers –

(a) Directors and officers of the association have a fiduciary responsibility to the association and to the Standardbred breeding and racing industry as a whole. That responsibility consists of the duty to exercise his or her decision-making powers in good faith and in a manner that the individual reasonably believes to be in the best interests of the association and the industry. Although the director or officer should be aware of the consensus of opinion on

an issue of the association members that he or she represents, the director's or officer's ultimate duty is to the association and the industry, even if an action or decision is contrary to an individual's personal interests.

(b) An individual should not seek or consent to become a director unless he or she is willing to devote sufficient time and attention to the job. That includes familiarity with the personnel and programs of the association and the careful and timely review of materials in order to be informed about the issues that are then under consideration. Each director should also be prepared and willing to communicate with the members in his or her district about those issues.

(c) Directors and officers must consistently attend the annual district meetings in their districts and the annual meetings of the association. Directors and officers are also expected to prepare for meetings by reviewing the meeting agenda and materials in advance. Regardless of extenuating circumstances, if a director or officer (i) fails to attend or otherwise participate in three (3) or more consecutive annual district meetings in his or her district or (ii) fails to attend three (3) or more consecutive annual meetings of the association, he or she shall be automatically removed from office. Directors and officers may participate in a district meeting through a telephone, video conference or similar connection that permits instantaneous communication with other attendees.

(d) Unless and until internal discussions and materials are made public, directors and officers shall protect the confidentiality of all such discussions and materials.

§12.02 Conflicts of Interest –

(a) Any director or officer of the association who has a direct or indirect "financial interest" is deemed to be an "interested person." An interested person consists of the director or officer and his or her spouse, parent or child, or a business entity in which the director or officer or the spouse, parent or

child holds a significant ownership interest. A financial interest consists of an existing transaction or arrangement with the association or one that is under negotiation, or a compensation arrangement with the association, other than transactions or arrangements that are generally and uniformly available to all association members or to one or more categories of association members. Any interested person who has a direct or indirect financial interest is deemed to have a conflict of interest under these bylaws.

(b) In the event of such an actual or potential conflict of interest, the interested person must disclose the existence of the financial interest in writing to the president of the association. Upon making that disclosure, the interested person shall be afforded the opportunity to describe all material facts relating to the financial interest to the board and to any committee that is considering the transaction or arrangement. Following that disclosure, the interested person shall, at the request of the president or the chairman of the committee, leave the room to allow a free discussion of the matter. The interested person shall also refrain from voting on the matter. However, the existence of a conflict of interest shall not prevent the board or the committee from voting to enter into the financial interest with the interested person.

(c) If it is determined that an interested person has failed to disclose a conflict of interest, the interested person shall be subject to disciplinary or corrective action by the board or by a committee designated by the board, at their discretion. Such action may include, without limitation, the reprimanding or removal from office of the interested person and the rescission of the transaction or arrangement between the interested person and the association.

(d) The board may, in its discretion, require some or all of the association's directors and officers to periodically sign a written statement confirming their understanding and acceptance of the association's conflict of interest policy.

§12.03 Abuse and Harassment – No director or officer of the association shall abuse or harass any other director or officer, or any agent or employee of the association. Abuse or harassment shall be deemed to have occurred if the offending person (i) commits or threatens physical violence on another person, (ii) makes or engages in slurs, epithets, name calling, intimidation, ridicule, mockery, insults or put-downs that a reasonable person would consider to be offensive, (iii) makes physical contact or verbal statements that are sexual or suggestive in nature and are offensive or inappropriate, (iv) commits other acts that a reasonable person would consider intimidating, hostile or abusive, or (v) commits any act that would be considered to be harassment under Title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967. Any offending person shall be subject to disciplinary action by the board or by a committee designated by the board, at their discretion. Such disciplinary action may include, without limitation, the reprimanding or removal from office of the offending person. The disciplinary action shall be subject to appeal to the executive committee in accordance with Article VIII of the bylaws.

§12.04 Whistleblower Policy –

(a) In order to promote openness, honesty, integrity and ethical conduct by directors, officers, agents and employees of the association in their administration of the business of the association and their dealings with the association, its members and each other, the association strongly encourages the disclosure of information about any conduct that pertains to association matters and is illegal, unethical, fraudulent, or contrary to the policies of the association, or concerns financial discrepancies. The goal is to discourage conduct that may damage the interests and reputation of the association and its ability to be a positive influence on the Standardbred breeding and racing industry. This is

intended to supplement and not replace the usual personnel policies and operating procedures of the association.

(b) Complaints or information regarding illegal, fraudulent, dishonest or other unethical conduct or financial discrepancies that is not appropriate for handling through the association's normal administrative procedures should be reported in writing, with or without identifying the reporting person, to the president or executive vice president. Verbal contact alone is discouraged. Although a reporting person is not expected to prove the truth of an allegation, the reporting person needs to demonstrate reasonable grounds for the report. Persons who make allegations with intentional or reckless disregard for their truth or falsity may be subject to disciplinary action by the association. However, if the allegation is made in good faith and with a reasonable belief that the allegation is true, the reporting person will be protected from retaliation, harassment and adverse employment consequences. Any attempted retaliation or harassment will be treated as an act of abuse or harassment under §12.03.

(c) After receiving such an allegation, the president or executive vice president will make or direct initial inquiries to determine if a full investigation is warranted. Any full investigation will be undertaken by a standing committee designated by or a special committee appointed by the president. The committee will provide the board with a report summarizing the allegation and the findings of the investigation, and recommend actions to be taken in response, if any. While anonymous allegations will be received, special consideration in their investigation will be given to the seriousness of the allegation, the credibility of the person who is the subject of the allegation, and the likelihood of

confirming the allegation in the absence of a complaining witness.

§12.05 Document Retention – The association shall adopt policies and procedures for the systematic review, retention and destruction of documents and other records received and created by the association in connection with the transaction of its business and the conduct of its affairs. The policy shall include guidelines for how long various documents and records are to be kept and how they should be destroyed. In accordance with 18 U.S.C §1519 and the Sarbanes-Oxley Act of 2002, the association shall not knowingly destroy a document or record with the intention of obstructing or influencing the investigation or administration of any matter within the jurisdiction of a department or agency of the United States.