

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 2 HORSE RACING
PART 4 TYPES OF RACES

15.2.4.1 ISSUING AGENCY: New Mexico Racing Commission.
[15.2.4.1 NMAC - Rp, 15 NMAC 2.4.1, 03/15/2001]

15.2.4.2 SCOPE: All persons participating in horse racing in New Mexico. Additional regulations may be cross-referenced in 15.2.1 NMAC, 15.2.2 NMAC, 15.2.3 NMAC, 15.2.5 NMAC, 15.2.6 NMAC, 15.2.7 NMAC and 16.47.1 NMAC.
[15.2.4.2 NMAC - Rp, 15 NMAC 2.4.2, 03/15/2001]

15.2.4.3 STATUTORY AUTHORITY: Sections 60-1A-1 through 60-1A-30 NMSA 1978 provides the authority of the New Mexico Racing Commission to establish rules and regulations deemed necessary to carry out the purposes of Chapter 60 NMSA 1978 pertaining to horse racing.
[15.2.4.3 NMAC - Rp, 15 NMAC 2.4.3, 03/15/2001; A, 09/15/09]

15.2.4.4 DURATION: Permanent.
[15.2.4.4 NMAC - Rp, 15 NMAC 2.4.4, 03/15/2001]

15.2.4.5 EFFECTIVE DATE: March 15, 2001 unless a later date is cited at the end of a section.
[15.2.4.5 NMAC - Rp, 15 NMAC 2.4.5, 03/15/2001]

15.2.4.6 OBJECTIVE: The objective of Part 4 of Chapter 2 is to achieve the objective that all horse races be conducted fairly and honestly.
[15.2.4.6 NMAC - Rp, 15 NMAC 2.4.6, 03/15/2001]

15.2.4.7 DEFINITIONS: Refer to 15.2.1.7 NMAC.
[15.2.4.7 NMAC - Rp, 15 NMAC 2.4.7, 03/15/2001]

15.2.4.8 CLAIMING RACES:
A. GENERAL PROVISIONS:

(1) A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

(2) A filly or mare that has been bred is ineligible to enter into a claiming race unless a licensed veterinarian's certificate dated at least 25 days after the last breeding of that mare is on file with racing secretary's office stating that the mare or filly is not in foal. However, an in-foal filly or mare shall be eligible to enter into a claiming race if the following conditions are fulfilled:

(a) full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office;

(b) the stallion service certificate has been deposited with the racing secretary's office (although all information obtained on such certificate shall remain confidential);

(c) all payments due for the service in question and for any live progeny resulting from that service are paid in full;

(d) the release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

(3) The stewards may set aside and order recession of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in Subsection E of 15.2.4 NMAC with respect to the making of the claim, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules regarding claiming races. Should the stewards order a recession of a claim, they may also, in their discretion, make a further order for the costs of maintenance and care of the horse as they may deem appropriate.

(4) The successful claimant of a horse that tests positive for a substance that requires the

horse to be placed on the steward's list pursuant to Subsection C of 15.2.6.9 NMAC shall be notified at the time the horse is placed on the steward's list. Once notified, the successful claimant has 72 hours in which to request the stewards to void the claim. If the claim is voided the stewards may also, in their discretion, make a further order for the costs of maintenance and care of the horse as they may deem appropriate. If the claim is not voided, all applicable time requirements and procedures pursuant to Subsection C of 15.2.6.9 NMAC shall follow the horse.

B. CLAIMING OPTION ENTRY:

(1) 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; and

(b) the horse is entered for a claiming price equal to or greater than the claiming price of the horse's last start; and

(c) the horse's last race as an official starter was one in which the horse was eligible to be claimed.

(2) Failure to declare the horse ineligible at the time of entry may not be remedied.

(3) Ineligibility shall apply only to the first start following each such layoff.

C. CLAIMING OF HORSES:

(1) Any horse entered in a claiming race that is not present in the paddock at least 10 minutes to post will be scratched.

(2) Any horse in a race for claiming may not wear into the paddock anything it will not race in except for a blanket, rain sheet or halter and lead shank for control.

(3) Any horse starting in a claiming race is subject to be claimed for its entered price by any: licensed owner; holder of a valid claim certificate; licensed authorized agent acting on behalf of an eligible claimant.

(4) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant from the time the horse enters the track to the post. The successful claimant shall become the owner of the horse regardless of whether it is alive or dead, sound or unsound, or injured during the race or after it.

D. CLAIM CERTIFICATE:

(1) An applicant for a claim certificate shall submit to the commission: an application for an owner's license and the required fee; the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed.

(2) The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license.

(3) The claim certificate shall expire 30 days after the date of issuance, or upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(4) A claim certificate may be renewed by the stewards during the same year.

E. PROHIBITIONS:

(1) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(2) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(3) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(4) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(5) A person shall not claim more than one horse in a race. No authorized agent shall submit more than one claim for the same horse in a race, even if the authorized agent represents several owners.

F. PROCEDURE FOR CLAIMING:

(1) To make a valid claim for a horse, an eligible person shall:

(a) have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees and applicable taxes; and for all quarter horse claims shall also have on deposit in their horsemen's account all fees for a rush transfer, not to exceed \$100.00, prior to entering;

(b) complete a written claim including information that the claimant holds a current valid license on a form furnished by the association and approved by the commission;

(c) identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;

(d) place the completed claim form inside a sealed envelope furnished by the association and approved by the commission;

(e) have the time of day that the claim is entered recorded on the envelope;

(f) have the envelope deposited in the claim box no later than 10 minutes prior to post time of the race for which the claim is entered.

(2) After a claim has been deposited in the claim box, it is irrevocable and shall not be withdrawn from the claim box.

(3) Officials and employees of the association shall not provide any information as to the filing of claims until after the horses have entered the track to post.

(4) If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

(5) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

G. TRANSFER OF CLAIMED HORSES:

(1) Upon successful claim, the stewards shall issue, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes and transfer fees.

(2) A person shall not refuse to deliver a properly claimed horse to the successful claimant.

(3) Transfer of possession of a claimed horse shall take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the testbarn for post-race testing, the original trainer or their representative shall maintain physical custody of the claimed horse and shall observe the testing procedure and sign the test sample tag. The successful claimant or their representative shall also accompany the horse to the testbarn.

(4) When a horse is claimed out of a claiming race, the horse's engagements are transferred, with the horse, to the claimant.

(5) Ownership interest in any horse claimed from a race shall not be resold or transferred for 30 days after such horse was claimed, except by claim from a subsequent race.

(6) A claimed horse shall not race elsewhere, except within state, or out of state stake races for a period of 30 days or the end of the meet, whichever occurs first.

(7) A claimed horse shall not remain in the same stable or under the control or management of its former owner.

[15.2.4.8 NMAC - Rp, 15 NMAC 2.4.8, 03/15/2001; A, 10/31/2006; A, 06/15/2009; A, 06/30/2009; A, 01/01/2013; A, 06/01/2016; A/E, 06/28/16; A, 12/16/16]

15.2.4.9 OTHER TYPES OF RACES:

A. Classified handicap is a free handicap race which contestants are assigned weights to be carried by the handicapper for the purpose of equalling their respective chances of winning. Assigned weights must be posted by 4:00 p.m. on the day prior to entry. In addition, all contestants must qualify for the race by starting for a specified claiming price or less within a specified time period (as stated in the conditions of the race). (For eligibility this race will be considered as a starter race for said claiming price.).

B. Optional claiming race is a contest restricted to horses entered to be claimed for a stated claiming price and to those, which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed the race shall be considered an allowance race.

[15.2.4.9 NMAC - Rp, 15 NMAC 2.4.9, 03/15/2001; A, 03/30/2007]

HISTORY of 15.2.4 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

NMSRC 67-1, Amendment No. 1, Rule Revisions Adopted by the New Mexico State Racing Commission April 21, 1967 Rules 352 & 380, filed 04-26-67;

NMSRC 69-1, New Mexico Laws and Rules and Regulations Governing Horse Racing, filed 06-09-69;

NMSRC 81-1, Rules Governing Horse Racing in New Mexico, filed 12-04-81.

History of Repealed Material:

15 NMAC 2.4, Horse Racing - Types of Races (filed 09-29-95) repealed 03/15/2001.

Other History:

That applicable portion of NMSRC 81-1, Rules Governing Horse Racing in New Mexico (filed 12-04-81) was renumbered, reformatted and amended to 15 NMAC 2.4, Horse Racing - Types of Races, effective 10/14/95.

15 NMAC 2.4, Horse Racing - Types of Races (filed 09/29/95) was renumbered, reformatted and replaced by 15.2.4 NMAC, Horse Racing - Types of Races, effective 03/15/2001.