

This is an amendment to 16.47.1 NMAC, Section 8, Subsection V, effective 03/14/18.

16.47.1.8 GENERAL PROVISIONS:

V. ~~[Restrictions: Beginning one hour before post time, the use of cellular telephones will be prohibited in the paddock and the racetrack surface until the last race is official. Cellular telephone use will also be prohibited behind the starting gate during racing hours. The association shall be responsible for posting notices of the prohibition in these restricted areas.]~~ **RESTRICTIONS:**

(1) Cellular telephone use is prohibited:

~~(a) on the race track surface beginning one half hour before first post through the last race becoming official; and~~

~~(b) behind the starting gate during racing hours.~~

~~(2) The association shall be responsible for posting notices of the cellular telephone prohibition in these restricted areas.~~

This is an amendment to 16.47.1 NMAC, Section 10, Subsection D and F, effective 03/14/18.

16.47.1.10 TRAINERS:

D. Assistant trainers:

(1) A trainer may employ an assistant trainer, who shall be equally responsible with the employing trainer for the condition of the horses in their care. The name of the assistant trainer shall be shown on the official program along with that of the employing trainer.

(2) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission may include those requirements prescribed in Subsection A, Paragraph (1) of 16.47.1.10 NMAC.

(3) An assistant trainer shall assume the same duties and responsibilities as imposed on the licensed trainer.

(4) The trainer shall be jointly responsible for the assistant trainer's compliance with the rules governing racing.

(5) A trainer that is involved in, or notified of, or under suspension for 30 days or more of, a drug or rule violation, shall not transfer their horses to his or her assistant trainer or an employee of the trainer.

F. Program trainers:

(1) A program trainer, as defined in 15.2.1 NMAC, is a licensed trainer who, solely for the purposes of the official race program, is identified as the trainer of a horse that is actually under the control of, and trained by another person who may or may not hold a current trainer's license in any jurisdiction. ~~on behalf of an ineligible trainer or an undisciplined person~~ Any trainer shall be deemed a program trainer if they:

- (a) ~~[enters]~~ enter into an agreement on behalf of an unlicensed, ineligible or suspended trainer for the sole purpose of completing an entry form for a race;
- (b) ~~[pays]~~ pay an entry, nomination or starter fee on behalf of an unlicensed, ineligible or suspended trainer;
- (c) ~~[receives]~~ receive a financial or beneficial interest from an unlicensed, ineligible or suspended trainer for the sole purpose of being listed as the trainer on the official race program; or
- (d) ~~[obtains]~~ obtain official works within New Mexico's jurisdiction on behalf of an unlicensed, ineligible or suspended trainer; or
- ~~_____~~ (e) solicit or accepts a loan of anything of value from the unlicensed, ineligible or suspended trainer; or
- ~~_____~~ (f) use the firm or individual name of the unlicensed, ineligible or suspended trainer when billing customers; or
- ~~_____~~ (g) pay any compensation to the unlicensed, ineligible, or suspended trainer.

(2) A licensed trainer who violates Paragraph (1) of this subsection will be subject to the following penalties:

- (a) First offense - six month suspension and a \$5,000 fine.
- (b) Second offense - one year suspension and a \$10,000 fine.
- (c) Third offense - license revocation with a three year ban on re-application and \$20,000 fine.
- (d) A fourth or subsequent offense shall carry the same penalty as that imposed for a third offense, and the penalties will run consecutively.

(3) On request by the Commission or any of its agents, a person who assumes the care, custody or control of the horses of the unlicensed, ineligible or suspended trainer, shall permit the commission or its agents to examine all financial or business records to ensure compliance with this section.