
This rule details the responsibilities of trainers. The purpose of the proposed amendment is to reduce late scratches and make trainers accountable for not adhering to their prior engagements of training their horses.

16.47.1.10 TRAINERS:

A. Eligibility:

- (1) An applicant for a license as trainer or assistant trainer must be at least 18 years of age.
- (2) The board of stewards may first determine whether an applicant for a license as a trainer or assistant trainer has taken an examination in another pari-mutuel jurisdiction prior to applying for a license in New Mexico. The board of stewards shall have sole discretion in which jurisdiction to reciprocate licensing.
- (3) Applicants not previously licensed or applying for a renewal license as a trainer shall be qualified, as determined by the stewards or other commission designee, by reason of:
 - (a) At least five years' experience as a licensed groom, jockey, exercise rider, or pony person.
 - (b) Shall be required to pass the New Mexico racing commission's sanctioned written trainers examination, with a minimum score of 80 percent in each category, an oral interview with the board of stewards and pass a demonstration of practical skills.
 - (c) Must submit two written statements from trainers currently licensed in New Mexico as to the character and qualifications of the applicant and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.
 - (d) Applicants failing the first written/oral examination must wait 90 days before retaking the trainer's test.
 - (e) Applicants failing the second written/oral examination must wait 180 days before retaking the trainer's test.
 - (f) Applicants failing the third written/oral examination must wait one year before retaking the trainer's test.
- (4) Any trainer who has been the subject of a medication violation or investigation in any jurisdiction is subject to an oral examination conducted by the stewards; a demonstration of practical skills; or the New Mexico racing commission's sanctioned written trainers examination and must pass with a minimum score of 80 percent in each category.
- (5) Upon timely request to the steward's or commission designee due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations shall be made for the applicant including, but not limited to, oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the stewards or commission designee administering the examination.
- (6) Failure to start a minimum of one horse every six months while holding a trainer's license shall require licensee to retest or interview before the board of stewards.
- (7) Any trainer who has obtained a trainer's license in another jurisdiction but has failed to start a minimum of five horses in a jurisdiction that conducts pari-mutuel wagering, will be required to pass an oral examination before the New Mexico board of stewards, a demonstration of practical skills administered by a New Mexico racing commission designee; and take the New Mexico commission sanctioned written trainers examination and must pass with a minimum score of 80 percent in each category.
- (8) Any potential trainer or assistant trainer who has started the licensing process in the state of New Mexico and obtains a trainer's or assistant trainer's license in another jurisdiction will be required to pass an oral examination before the New Mexico board of stewards, a demonstration of practical skills administered by a New Mexico racing commission designee, and take the New Mexico racing commission sanctioned written trainers examination and must pass with a minimum score of 80 percent in each category.
- (9) Any trainer or assistant trainer who has passed the HISA written examination will also be required to pass an oral examination before the New Mexico board of stewards, a demonstration of practical skills

administered by a New Mexico racing commission designee and take a New Mexico racing commission sanctioned written trainers examination and must pass with a minimum score of 80 percent in each category.

B. Absolute insurer:

(1) The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horses. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by a commission-approved laboratory is prima facie evidence of a violation of this rule. The trainer is absolutely responsible regardless of the acts of third parties.

(2) A trainer must prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(3) A trainer whose horse has been claimed remains the absolute insurer for the race in which the horse is claimed.

C. Other responsibility: A trainer is responsible for:

(1) the condition and contents of stalls, tack rooms, feed rooms, sleeping rooms and other areas which have been assigned by the association;

(2) maintaining the assigned stable area in a clean, neat, and sanitary condition at all times;

(3) ensuring that fire prevention rules are strictly observed in the assigned stable area;

(4) providing a list to the chief of security of the trainer's employees on association grounds and any other area under the jurisdiction of the commission; the list shall include each employee's name, occupation, social security number, and occupational license number; the chief of security shall be notified by the trainer, in writing, within 24 hours of any change;

(5) the proper identity, custody, care, health, condition, and safety of horses in their charge;

(6) disclosure of the true and entire ownership of each horse in their care, custody or control; any change in ownership must be reported immediately to, and approved by, the stewards and recorded by the racing secretary;

(7) training all horses owned wholly or in part by them which are participating at the race meeting; registering with the racing secretary each horse in their charge within 24 hours of the horse's arrival on association grounds;

(8) immediately notify the stewards and commission veterinarian of all out-of-state certified horses on furosemide;

(9) having each horse in their care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) and for filing evidence of such negative test results with the racing secretary as required by the commission;

(10) using the services of those veterinarians licensed by the commission to attend horses that are on association grounds;

(11) immediately reporting the alteration in the sex of a horse in their care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration;

(12) promptly reporting to the racing secretary and the official veterinarian any horse on which a posterior digital neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;

(13) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in their charge;

(14) promptly reporting the death of any horse in their care on association grounds to the stewards and the official veterinarian and compliance with the rules in Subsection C of 15.2.6.12 NMAC governing post-mortem examinations;

(15) maintaining a knowledge of the medication record and status of all horses in their care;

(16) immediately reporting to the stewards and the official veterinarian if they know, or has cause to believe, that a horse in their custody, care or control has received any prohibited drugs or medication;

(17) representing an owner in making entries and scratches and in all other matters pertaining to racing; horses entered as to eligibility and weight or other allowances claimed;

(18) horses entered as to eligibility and weight or other allowances claimed;

(19) ensuring the fitness of a horse to perform creditably at the distance entered;

(20) ensuring that their horses are properly shod, bandaged, and equipped; toe grabs with a height greater than two millimeters worn on the front shoes of thoroughbred horses while racing are prohibited; the horse shall be scratched and the trainer may be subject to fine;

(21) ensuring that horses are properly bandaged, and equipped; and no jockey, apprentice jockey, exercise person or any person mounted on a horse shall ride, breeze, exercise, gallop or workout a horse on the grounds of a facility under the jurisdiction of the commission unless the horse is equipped with a nylon rein or a safety rein; a safety rein is a rein with a wire or nylon cord stitched into the traditional leather rein during the manufacturing process and the safety cord is attached to the bit with a metal clasp;

(22) presenting horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(23) personally attending to their horses in the paddock and supervising the saddling ~~[thereof, unless excused by the stewards; if the trainer is excused, the trainer must secure another trainer or assistant trainer who is licensed by the commission to assume those duties].~~

~~(24) Any licensed trainer that is listed on the race day's official program and does not receive approval from the stewards to have an assistant trainer or substitute trainer to saddle the absent trainer's horses in the paddock will be fined \$1,500.00 for the first offense and \$3,000.00 for the second and each subsequent offenses.~~

~~(25) Any licensed trainer that continues to be non-compliant by not receiving stewards prior approval to have an assistant or substitute trainer to act in the place of the listed trainer on the official program, the stewards may summarily suspend the non-compliant trainer and their horses may be placed on the stewards' list pending a disciplinary hearing.~~

~~(24)~~(26) instructing the jockey to give their best effort during a race and that each horse shall be ridden to win;

~~(25)~~(27) attending the collection of urine or blood sample from the horse in their charge or delegating a licensed employee or the owner of the horse to do so; and

~~(26)~~(28) notifying horse owners upon the revocation or suspension of their trainer's license; upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

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 Paragraph (1) of Subsection A of 16.47.1.10 NMAC.

(3) An assistant trainer must be licensed for a minimum of two years as an assistant trainer before being eligible to obtain a trainer's license.

(4) If an assistant trainer passed the written examination with a minimum score of 80 percent in each category within the previous 48 months, the licensee is not required to retake the test in order to obtain their trainer's license.

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

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

(7) 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.

E. Substitute trainers:

(1) If any licensed trainer is prevented from performing ~~[his]their~~ duties or is absent from the track where ~~[he is]they are~~ participating, the ~~[stewards] absent trainer~~ shall ~~[be]~~ immediately ~~[notified, and at the same time, a]~~ notify the stewards. ~~The absent trainer, substitute trainer or assistant trainer, [acceptable to the stewards, shall be appointed]~~if approved, shall thoroughly fill out the "substitute trainer form" provided by the stewards. ~~[The stewards shall be advised when the regular trainer resumes his duties.]~~

~~(2) If the stewards do not excuse the absent trainer from their duties for the day, their horses may be scratched, at the stewards' discretion.~~

(3) A substitute trainer must accept responsibility for the horses in writing and be approved by the stewards.

~~(3)~~(4) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race pursuant to Paragraphs (1), (2) and (3) of Subsection B of 16.47.1.10 NMAC.

(5) Any unauthorized person found to be acting as a substitute trainer in the paddock without thoroughly filling out the “substitute trainer form” and being approved by the stewards, will be sanctioned with a fine no less than \$1,000.00.

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. Any trainer shall be deemed a program trainer if they:

- (a) 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) pay an entry, nomination or starter fee on behalf of an unlicensed, ineligible or suspended trainer;
- (c) 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) 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 farm 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.

[16.47.1.10 NMAC - Rp, 16 NMAC 47.1.10, 3/15/2001; A, 11/15/2001; A, 3/30/2007; A, 8/30/2007; A, 6/30/2009; A, 9/15/2009; A, 7/5/2010; A, 5/16/2014; A, 9/15/2014; A, 3/15/2016; A, 6/1/2016; A, 12/16/16; A, 3/14/2018; A, 2/25/2020; A, 12/28/2021; A, 4/9/2024]