

NOTICE OF INTENT
Office of the Governor
Division of Administration
Racing Commission

Colors (LAC 35:VII.Chapter 85)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:VII.8501, 8509, and 8511. The proposed amendment to §8501 specifies the requirements for owners to provide racing colors for thoroughbred horses and the consequences for not following those requirements. The proposed amendment to §8509 adds the exception that owners can request approval from the stewards to run with a trainer's racing colors. The proposed amendment to §8511 adds to the list of people and entities responsible for ensuring that the correct racing colors are worn and consequences for failing to follow the requirements.

Title 35
HORSE RACING
Part VII. Equipment and Colors

Chapter 85. Colors

§8501. Supplied and Registered

A. Owners of horses must provide themselves with suitable racing colors which must be registered with the racing secretary, except at tracks where colors are furnished by the association.

B. Owners of thoroughbred horses must provide themselves with suitable racing colors which must be registered with the racing secretary and their racing colors may not be furnished by an association.

C. On dates where an owner of thoroughbred horses has multiple horses entered on the same race card, the owner must provide colors for each horse entered.

D. Failure of an owner of thoroughbred horses to provide themselves with colors and/or register them with the racing secretary is a finable offense. The fine for such failure shall be \$100.00 for a first offense, with increasing fines for subsequent offenses. However, an owner shall not be fined the first time each meet that they fail to provide themselves with colors and/or register them with the racing secretary, and it shall not count as an offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978),

§8509. Exceptions

A. Exceptions to the above may be allowed by the commission upon request and approval.

B. Owners may request approval from the stewards to run in the colors of the trainer of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978),

§8511. Responsibility for Wearing Correct Colors

A. The clerk of scales, the valet serving a jockey, the colors custodian, and the jockey room custodian shall all be present on the association premises at their customary station during racing and shall all be jointly responsible for having the correct colors and cap on each rider when leaving the jockey room for the paddock.

B. Each association shall implement and maintain a system of receipts and accounting for the custody, control, and return of colors to the rightful owner.

C. If an owner has provided colors and the association fails to place the correct colors on any horse running in a race, the association, the clerk of scales, the valet serving a jockey, the colors custodian, and the jockey room custodian are all subject to a separate fine for each incident.

D. If the association cannot locate colors registered with the racing secretary, the association shall reimburse the owner \$150.00 for each set of missing silks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978),

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Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on state or local governmental units as a result of the proposed administrative rule. The proposed amendment to the rule specifies the requirements for owners to provide racing colors for thoroughbred horses and the consequences for not following those requirements. The proposed amendment to the rule also adds the exception that owners can request approval from the stewards to run with a trainer's racing colors. The proposed amendment to the rule also adds to the list of people and entities responsible for ensuring that the correct racing colors are worn and consequences for failing to follow the requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed administrative rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Owners, racing associations, clerks of scales, valets, colors custodians, and jockey room custodians will be impacted by the proposed administrative rule in that it allows for penalties of fines associated with not properly displaying registered racing colors. This may have an economic impact to directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment as a result of the proposed administrative rule change.