

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago, Illinois 60601

(312) 814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

The full text of the Proposed Amendment begins on the next page.

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Use of the Whip
1318.100	Goaded Devices (Repealed)
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days, emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043, effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006; amended at

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34 Ill. Reg. 2324, effective January 27, 2010; amended at 35 Ill. Reg. 8500, effective May 23, 2011; amended at 39 Ill. Reg. _____, effective _____.

Section 1318.90 Use of the Whip

- a) Drivers will be allowed whips not to exceed 4 feet in total length plus a snapper not longer than 6 inches. All whips are subject to inspection and measurement by the Board. Whips shall not be modified and snappers shall not be knotted. ~~Alteration of whips, in any manner, shall be considered a violation of this Section.~~
- b) Whipping below the shafts, including but not limited to the stifle area, is prohibited.
- c) The following actions shall be considered as ~~include, but not limited to~~, excessive and/or abusive:
 - 1) Whipping a horse during a post parade, scoring down, or after the finish of a race, except when necessary to control the horse;
 - 2) Use of the ~~butt end of the whip~~ as a poking or goading device;
 - 3) Striking any part of the horse under the tail ~~and/or~~ between the legs;
 - 4) Whipping a horse that is not advancing or is out of contention ~~no longer in contention and showing no response to the whip~~;
 - 5) Causing visible injury; ~~or~~
 - 6) Use of any object or stimulating device ~~and/or application~~.
- d) Whipping a horse during the race, when it is necessary to control the horse, shall not be considered excessive and/or abusive.
- e) Drivers shall keep a line in each hand from the start of the race until the beginning of the open stretch. One-handed whipping from the beginning of the open stretch to the finish of the race is restricted to elbow and wrist action only. The whipping arm shall not be raised above shoulder height or behind the driver. One-handed whipping shall be prohibited entering the stretch the first time on a ½ mile racetrack.

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f) Penalties

1) Penalties for violation of any of the provisions of this Section are as follows:

- A) 1st offense – minimum fine of \$200~~\$100 fine~~ to a maximum fine of \$500;
- B) 2nd offense within a 365 day period after the 1st offense – minimum fine of \$400~~\$300 fine~~ to a maximum fine of \$1,000;
- C) 3rd offense within a 365 day period after the 1st offense – minimum fine of \$1,000~~\$500 fine~~ and a 7~~3~~ day suspension;
- D) For a 4th or subsequent offense within a 365 day period after the 1st offense - minimum fine of \$2,000~~\$1,000 fine~~ and a 10~~5~~ day suspension.

2) ~~Subsequent offenses shall be referred to the Board for determination of penalties.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)