

### **.53 Sires Stakes Program.**

A. Definitions. In this regulation, the following terms have the meanings indicated:

- (1) "Advisory Committee" means the Maryland Standardbred Race Fund Advisory Committee.
- (2) "Breeder" means the owner or, if leased, the lessee of the dam at the time of breeding.
- (3) "Conceived" means the impregnation of a dam, by means of natural or artificial insemination, by a Maryland stallion whose offspring meet the eligibility requirements for the Sires Stakes Program as provided under this regulation.
- (4) "Covered by a Maryland stallion" means to be bred to a Maryland stallion whose offspring meet the eligibility requirements for the Sire Stakes Program as provided under this regulation.
- (5) "Owner" means an individual or entity that owns or leases a horse or stallion eligible to participate in the Sires Stakes Program.
- (6) "USTA" means the United States Trotting Association.

B. Eligibility for Participation. For a horse to be eligible to participate in a race that is a part of the Sires Stakes Program, the horse shall:

- (1) Be registered with the Advisory Committee; and
- (2) Have had paid in the horse's behalf all of the applicable registration, sustaining, and declaration fees required under this regulation.

C. Eligibility for Registration.

- (1) A horse may be registered with the Advisory Committee if:
  - (a) The horse was conceived from the fresh or frozen semen of a Maryland stallion; and
  - (b) The Maryland stallion:
    - (i) Is registered with the USTA,
    - (ii) Is registered with the Advisory Committee as a Maryland stallion,
    - (iii) Was at stud in Maryland for a full breeding season, and
    - (iv) Impregnated the dam during the breeding season the stallion was at stud in Maryland.

(2) If a horse is the product of an embryo/ovum transfer, only a donor mare's first born foal each year, resulting from such a transfer, is eligible under this section.

#### D. Registration as a Maryland Stallion.

(1) A stallion shall be registered by the Advisory Committee if the completed forms for the stallion's registration are received by the Advisory Committee by:

(a) December 1 of the year preceding the one for which the stallion is registered together with a \$250 fee; or

(b) February 1 of the year for which the stallion is registered together with a \$750 fee, if the stallion is not registered by the previous December 1.

(2) To complete the registration of a Maryland stallion, the following documents concerning the stallion shall be delivered to the Advisory Committee not later than February 15 of the year of registration:

(a) USTA registration certificate; and

(b) Parentage verification report.

(3) If either the stallion's USTA registration certificate or parentage verification report is not received by the Advisory Committee in a timely manner, the stallion owner shall be penalized \$250.

#### E. Loss of Maryland Stallion Registration Status.

(1) A stallion shall lose its status as a registered Maryland stallion if:

(a) The stallion stands during the year anywhere other than in Maryland or in the southern hemisphere;

(b) The stallion leaves the breeding location in Maryland during the Maryland breeding season of February 15 through July 1 except as provided under §E(2) of this regulation; or

(c) There is a failure to comply with the provisions of §D(2) of this regulation.

(2) A registered Maryland stallion may participate in racing during the breeding season if the stallion is:

(a) 100 percent Maryland owned; and

(b) Bred only to mares owned or leased by the stallion owner.

(3) The offspring of a stallion which has lost its registration status shall remain eligible for this Program if the offspring was:

(a) Out of a mare which was not owned or leased by the stallion owner; and

(b) Otherwise eligible.

(4) The owner of a stallion which has lost its status as a registered Maryland stallion is subject to the following penalty for each of its offspring that remain eligible for this program under §E(3) of this regulation:

(a) \$500 for a stallion with a registered stud fee of less than \$500;

(b) An amount equal to the stud fee of the stallion if the registered stud fee of the stallion is more than \$500; or

(c) \$1,500 for a stallion with a private or undesignated stud fee.

#### F. Requirements of the Owner of a Registered Stallion.

(1) The owner of a registered stallion shall submit a copy of the USTA Mares Bred report to the Advisory Committee not later than September 1 of the year for which the stallion is registered.

(2) The Mares Bred report shall indicate:

(a) Which broodmares were inseminated with transported semen, if any; and

(b) The destination to which the semen had been transported for this purpose.

(3) Failure to comply with the provisions of §F(1) and (2) of this regulation shall subject the owner of the stallion, for each month the owner is delinquent, to a penalty of:

(a) \$500 for a stallion with a registered stud fee of less than \$500;

(b) An amount equal to the stud fee of the stallion if the registered stud fee of the stallion is more than \$500; or

(c) \$1,500 for a stallion with a private or undesignated stud fee.

(4) Failure to comply with the provisions of §F(1) and (2) of this regulation by February 15 of the year following the year to be covered by the Mares Bred report shall:

(a) Render any resultant foal out of a mare owned wholly or in part by the owner of the stallion ineligible to participate in the Sire Stakes Program for the year covered by the report; and

(b) Subject the stallion owner, for each foal that remains eligible for the Sires Stakes Program, to a penalty of:

(i) \$500 for a stallion with a registered stud fee of less than \$500,

(ii) An amount equal to the stud fee of the stallion if the registered stud fee of the stallion is over \$500, or

(iii) \$1,500 for a stallion with a private or undesignated stud fee.

#### G. Payment of Penalties.

(1) Penalties assessed against a stallion owner under this regulation shall be paid to the Advisory Committee.

(2) The Advisory Committee shall consider the penalties paid by a stallion owner under this regulation as stallion registration fees to be used for the purpose of future Sires Stakes Program purses.

(3) A stallion owner may not be allowed to participate in the Sires Stakes Program if the owner has not paid a penalty assessed under this regulation.

#### H. Appeal of Refusal to Register a Horse or Stallion.

(1) An owner or breeder may appeal to the Commission from a refusal of the Advisory Committee to register a horse or stallion under this regulation.

(2) The owner or breeder who takes the appeal has the burden of proving the eligibility of the horse or stallion.

(3) The decision of the Commission is final.

I. Registration. Except as provided in §J of this regulation, in order to register a yearling, the Advisory Committee shall be provided on or before May 15 with a:

(1) Completed form for the registration of the yearling;

(2) Photocopy of the yearling's USTA registration certificate; and

(3) \$20 registration fee.

#### J. Late or Incomplete Registration.

(1) If a yearling was not registered in accordance with the provisions of §I of this regulation, the yearling shall be registered with the Advisory Committee if the following are received between May 16 and December 31:

(a) A completed registration form;

(b) A photocopy of the yearling's USTA registration certificate; and

(c) A \$500 late fee.

(2) If a photocopy of the USTA registration certification is not submitted in compliance with any of the provisions for doing so under this regulation, the:

(a) Yearling shall be ineligible for participation in the Sires Stakes Program; and

(b) Registration fee shall be forfeited.

#### K. Sustaining Fees.

(1) Except as provided in §K(2) of this regulation, the following sustaining fees are required by the following dates for the maintenance of a horse's eligibility:

(a) First sustaining fee as a 2-year-old, \$120 by March 15;

(b) Second sustaining fee as a 2-year-old, \$120 by May 15; and

(c) Sustaining fee as a 3-year-old, \$240 by February 15.

(2) The second sustaining fee as a 2-year-old, due May 15, is optional and is required only to make the horse eligible to participate in the races provided by the Sires Stakes Program for 2-year-olds.

(3) Except as provided under §K(2) of this regulation, a horse shall be disqualified from participation in any future races sponsored by this Program if there is a failure to make a timely payment of a fee under this section.

#### L. Declaration Fee.

(1) A declaration fee, as prescribed in this regulation, is required to be made by the post time for the race into which the horse is declared.

(2) Additional declaration fees are not required from a horse which participates in more than one preliminary race.

(3) The declaration fee is \$250.

#### M. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

(a) Delivered to the Advisory Committee by the designated due date; or

(b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

(a) Delivered to the Advisory Committee by the next business day; or

(b) Mailed bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.

N. The owner of the horse is responsible for the declaration fee, and, if the owner of the horse is not the declarer of the horse, the person making the declaration is also responsible for the declaration fee.

#### O. Eligibility to Start.

(1) A horse, otherwise eligible to participate in this program, may not be declared in to start unless the horse has at least one satisfactory charted performance line at the time set for declaring in.

(2) A satisfactory charted performance line is a performance line:

(a) Credited to a horse after the horse starts from behind a starting gate in a qualifying or purse race within 30 days of the Sires Stakes Program race in which the horse is to participate; and

(b) Which shows that the horse has completed the race without a break, other than a break caused by interference or broken equipment, at, or within, the following times according to the horse's age and gait:

(i) For events conducted on a 5/8 mile track:

Age and Gait	Time
2-year-old pace	2:07
2-year-old trot	2:09
3-year-old pace	2:06
3-year-old trot	2:08, and

(ii) For events conducted on a 1/2 mile track:

Age and Gait	Time
2-year-old pace	2:08
2-year-old trot	2:10

3-year-old pace 2:07

3-year-old trot 2:09.

(3) A 2-second allowance to the minimum performance time shall be granted on any trotting event held before May 1.

P. Use of Fees.

(1) All registration fees, sustaining fees, and penalties, less administrative costs, shall be added to the purse monies for this program.

(2) All declaration fees shall be added to the purse of the final event for which the fees were paid.

Q. Provisions may be made for the running of the following races at a distance of 1 mile, to be known as the Sires Stakes Program races, which shall be open only to those horses eligible to participate in the Sires Stakes Program:

(1) 2-year-old filly pace;

(2) 2-year-old colt pace;

(3) 2-year-old filly trot;

(4) 2-year-old colt trot;

(5) 3-year-old filly pace;

(6) 3-year-old colt pace;

(7) 3-year-old filly trot; and

(8) 3-year-old colt trot.

R. The various age, sex, and gait divisions established under §Q of this regulation may, from time to time, be eliminated by the Commission upon the recommendation of the Advisory Committee.

S. Each age, sex, and gait division, depending upon the availability of funds, may not be raced more than three times per year.

T. The purse amounts and the number of times per year each race is offered, including the number of preliminary races, for the races authorized under §Q of this regulation shall be determined by the Advisory Committee and approved by the Commission.

U. Breeder Awards.

(1) An 8 percent Breeder Award, based upon the amount of the purse distributed in a "final", shall be divided between the dam and sire of a horse, if the horse:

(a) Receives purse monies from a "final" race provided for under §Q of this regulation; and

(b) Meets the eligibility requirements set forth for registration in the Foaled Stakes Program under Regulation .43 of this chapter.

(2) Of the 8 percent awarded under §U(1) of this regulation:

(a) 6.4 percent shall be awarded to the dam of the horse; and

(b) Except as provided in §U(4) of this regulation, 1.6 percent shall be awarded to the sire of the horse, if the sire:

(i) Is still standing at stud in Maryland,

(ii) Died while standing at stud in Maryland,

(iii) Retired while standing at stud in Maryland, or

(iv) Left Maryland for breeding purposes in the southern hemisphere after the Maryland breeding season and, if still alive, returns to Maryland for the next breeding season.

(3) The awards, as apportioned under §U(2) of this regulation, shall be paid to the:

(a) Individual or entity who was the owner of record with the USTA of the dam and sire at the time the horse was bred; or

(b) Lessee of the horse, rather than the owner, if the:

(i) Dam or the sire, respectively, was leased at the time the breeding took place; and

(ii) Lease was on record with the USTA at that time.

(4) The requirements placed on the sire of a horse, set forth in §U(2)(b) of this regulation are not applicable to the sire of any horse foaled in or after 2005.

#### V. Preliminary Events.

(1) The number of preliminary events shall be as provided under §T of this regulation.

(2) If more horses are declared to start in a preliminary event than can fit on the starting gate, the licensee holding the event shall schedule sufficient races and divide the horses by lot as equally as possible among the races scheduled.

(3) Points shall be awarded to each horse finishing in a preliminary race in accordance with the following schedule:

Finish	Points
1st	50
2nd	25
3rd	12
4th	8
5th	6
6th	4
7th	3
8th	2
9th	1

(4) In the event of a dead heat for any position, the horses involved in the dead heat for that position shall each be credited with the full number of points assigned to that position.

#### W. Final Events.

(1) There shall be one final event for each category of race scheduled.

(2) The number of horses allowed in a final event shall be limited to the horses which fit on the starting gate without a trailer.

(3) Preference for participation in the final event shall be given to the horses with the most points earned in the preliminary events of the same category.

(4) Not more than two horses with the next highest number of points from those drawn into the race may be listed as also eligibles.

(5) Ties for participation under §W(3) and (4) of this regulation shall be determined by lot.

(6) A horse may not participate in the final event if it did not earn a point in a preliminary event of the same category.

#### X. Post Positions. Post positions for all races shall be determined by lot.

#### Y. Gait.

(1) A horse's gait shall be specified and accompany each sustaining fee.

(2) A change of a horse's specified gait may be made at the time the horse is declared into a race.

(3) Any payments made before a change in the specified gait of a horse shall be credited to the races for the gait originally specified.

#### Z. Time.

(1) The time for starters to declare into a Sires Stakes Program race shall be the same as the time established by the race track for declaring into an overnight race.

(2) If the race track schedules the time for drawing into an overnight race more than 5 days before the running of the races, a Sires Stakes Program race may not be drawn with these races, but shall be drawn at a time that is not more than 5 days before the scheduled running of the race.

#### AA. Purse Distribution.

(1) The purse in each race shall be divided in the following manner:

(a) 50 percent, 25 percent, 12 percent, 8 percent, and 5 percent to the first five finishers, respectively, if five or more horses finish;

(b) 50 percent, 25 percent, 15 percent, and 10 percent to the first four finishers, respectively, if only four horses finish;

(c) 60 percent, 30 percent, and 10 percent to the first three finishers, respectively, if only three horses finish;

(d) 65 percent and 35 percent to the first two finishers, respectively, if only two horses finish; or

(e) 65 percent to the finisher and 35 percent is retained by the Standardbred Fund, if only one horse finishes.

(2) Unless the Commission eliminates the races for one of the age groups in accordance with §R of this regulation, the purse monies to be distributed each year on behalf of the Sires Stakes Program shall be divided equally between races for 2-year-olds and races for 3-year-olds.

(3) Unless the Commission eliminates the races for one of the gaits in accordance with §R of this regulation, the purse monies in each age category shall be divided equally between races for trotters and races for pacers.

BB. With the advice of the Advisory Committee the Commission may allow all the Sires Stakes Program races to be held at any race track in Maryland.

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