

**State of California
Office of Administrative Law**

In re:
California Horse Racing Board

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections:

Amend sections: 1500, 1619

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1019-03

OAL Matter Type: Regular Resubmittal (SR)

This action by the California Horse Racing Board amends two sections to align with proposed language for the Association of Racing Commissioners International model rule by specifying general license eligibility and to include modified allowance requirements for an apprentice jockey.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

Date: November 29, 2023



**Amy R. Gowan
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Scott Chaney, Executive
Director**

Copy: Nicole Lopes-Gravely

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2023-0320-03	REGULATORY ACTION NUMBER 2023-1019-03	EMERGENCY NUMBER SR
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 29 2023

1:56 PM

OFFICE OF ADMIN. LAW
2023 OCT 19 PM 4:38

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Horse Racing Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023, 13-Z	PUBLICATION DATE 3/31/23

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Apprentice Jockey/Apprentice Allowance	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0517-03
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1500 and 1619
	REPEAL
TITLE(S) 4	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

9/13/23 - 9/18/23 9/28/23

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Nicole Lopes-Gravely	TELEPHONE NUMBER (916) 263-6397	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) nlgravely@chrb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Amanda M. Drummond <small>Digitally signed by Amanda M. Drummond Date: 2023.10.18 16:54:44 -0700</small>	DATE 10/18/2023
TYPED NAME AND TITLE OF SIGNATORY Amanda Drummond, Manager, Policy, Regulations, and Administrative Hearings	

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ENDORSED APPROVED

NOV 29 2023

Office of Administrative Law

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED AMENDMENT OF RULE 1500, APPRENTICE JOCKEY

1500. APPRENTICE JOCKEY.

(a) An apprentice jockey is a race rider who has ridden less than 40 winners or less than two years since first having been licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a jockey.

(b) The apprenticeship of an apprentice jockey shall automatically terminate one year from the date of ~~the his or her fifth~~ tenth (10th) winning ride ~~of the apprentice jockey~~, or on the date of ~~the his or her (40th)~~ winning ride of the apprentice jockey, whichever comes later. No apprenticeship shall extend for more than two years from the date of the ~~fifth~~ tenth (10th) winning mount, except for good cause the Board may extend the termination date of an apprenticeship or amend the conditions under which the apprenticeship is granted.

(c) Any combination of Thoroughbred, Appaloosa, Arabian or Paint races at authorized race meetings in the United States, Canada or Mexico, which are reported in the Daily Racing Form or other recognized racing publications, shall be considered in determining eligibility for license as an apprentice jockey; provided, however, that any person who has ridden as a licensed jockey in any racing jurisdiction shall have the burden to establish that the granting of an apprentice jockey license to him or her is in the best interest of the rider and of Thoroughbred, Appaloosa, Arabian or Paint racing in this State. Nothing herein shall prohibit an apprentice jockey contract between the apprentice and a qualified employer.

(d) An applicant for apprentice jockey may be prohibited from riding until the Board of Stewards or the California Horse Racing Board (CHRB/Board) have sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(e) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey license.

(f) An individual seeking to become an apprentice jockey may obtain an apprentice certificate by submitting a form provided by the Board and obtaining approval from the Board of Stewards. An

individual shall not receive more than one apprentice license. In case of emergencies, a copy of the original certificate may be obtained from a CHRB office.

(g) An applicant with an apprentice certificate approved by the Board of Stewards may be licensed as an apprentice jockey. The apprentice certificate will grant an apprentice jockey all the allowances and conditions as stated in this rule, and Rule 1619, Apprentice Jockey Allowance.

(h) An apprentice jockey that has ridden less than ten (10) winners may not accept mounts on two-year-olds, first time starters, or in turf races, without the prior approval of the Board of Stewards.

(i) The apprentice jockey will be responsible to have their apprentice certificate with them at all times. Prior to riding, the apprentice certificate will be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(j)(1) The Board of Stewards shall extend the time during which a weight allowance may be claimed when an apprentice jockey is unable to continue riding due to:

A) Service in the national armed forces;

B) Enrollment in an institution of secondary or higher education;

C) Restrictions on racing;

D) Physical disablement or illness;

E) Pregnancy;

(2) The Board of Stewards may extend the time during which a weight allowance may be claimed for other hardship outside of the control of the apprentice jockey.

(k) To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of seven (7) consecutive days or more after the date of their tenth (10th) winning mount during the period in which the apprentice was entitled to an apprentice weight allowance.

(l) An apprentice jockey shall submit an Apprentice Jockey Extension Form CHRB-248 (New 08/22), which is hereby incorporated by reference, to a CHRB licensing office if they meet the requirements of subsection (j).

(1) When submitting Form CHRB-248, the apprentice jockey shall produce documentation verifying time lost due to the reason(s) defined in subsection (j).

(2) All other requests for extensions shall be directed to the jurisdiction that approved the apprentice license or certificate.

Authority: Sections 19440 and 19460
Business and Professions Code

Reference: Section 19440 and 19460
Business and Professions Code

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF RULE 1619, APPRENTICE JOCKEY ALLOWANCE

1619. APPRENTICE JOCKEY ALLOWANCE.

An apprentice jockey shall be allowed the following weight allowances in all Thoroughbred, Appaloosa, Arabian and Paint races; except stake and handicap races, and pursuant to Rule 1500(d):

~~(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.~~

~~(ba) A seven (7) pound allowance beginning with their first mount and continuing until the apprentice jockey has ridden an additional 35~~ ten (10) winners; and

~~(eb) A five (5) pound allowance from their tenth (10th) winner and until the apprentice jockey has ridden a total of forty (40) winners, or for one year, whichever comes later. If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding their fifth winner, they shall have an allowance of five pounds until the end of that year.~~

~~(ec) If after one year from the date of his or her fifth~~ their tenth (10th) winning mount the apprentice jockey has not ridden a total of forty (40) winners, from the date of their first winning mount, they may continue to ride with a five (5) pound weight allowance for one more year from the date of their tenth (10th) winning mount or until they have ridden forty (40) winners, the applicable weight allowance shall continue for one more year or until the date of the 40th winner, whichever comes first.

~~(d) An apprentice jockey allowance may be waived with consent of the steward's permission at the time of entry by the trainer or the trainer's designee.~~

~~(e) In no event may an apprentice jockey allowance be claimed by more than 2 (two) years from the date of the tenth (10th) winning mount, unless an extension has been granted by the Board of Stewards or the CHRB pursuant to CHRB Rule 1500 (j).~~

Authority: Section 19562
 Business and Professions Code

Reference: Section 19562
 Business and Professions Code



STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
CHRB-248 (New 08/22)

APPRENTICE JOCKEY EXTENSION FORM

Date:

To:

To Whom It May Concern:

I hereby request an extension of my jockey apprentice allowance for the following reason(s):

- ☐ Service in the National Armed Forces.
- ☐ Enrollment in an Institution of Secondary or Higher Education.
- ☐ Restrictions on Racing.
- ☐ Physical Disablement, Illness, or Pregnancy.
- ☐ Other hardship outside the control of the apprentice jockey. (Provide explanation below)

My jockey apprentice allowance expires on:
(DATE)

Total number of calendar days I was unable to ride and requested as an extension in this application:

If due to Restrictions on Racing, please explain:

Name(s) of Steward(s) at track:

If due to Physical Disablement, Illness, or Pregnancy, please explain:

I was examined at the time by: on
(NAME OF PHYSICIAN) (DATE)

(ADDRESS OF EXAMINING PHYSICIAN)

I was examined and declared fit to ride by on
(NAME OF PHYSICIAN) (DATE)

(ADDRESS OF EXAMINING PHYSICIAN)

Attached is a letter from my physician verifying above facts.

If applicable, my apprentice contract expires on with
(DATE) (NAME OF CONTRACT HOLDER)

Attach documentation verifying time lost pursuant to CHRB Rule 1500(l)(1). No request for an extension due to physical disablement, illness, or pregnancy will be considered without a confirming report from your doctor. When applicable, secure letters from attending physicians stating nature and extent of injury, date, etc., and names of stewards presiding at meeting where you were injured or became ill.

Respectfully submitted by,

(PRINT FULL NAME)

(SIGNATURE)

(DATE)