

**State of California  
Office of Administrative Law**

In re:  
California Horse Racing Board

Regulatory Action:

Title 04, California Code of Regulations

Amend sections: 1632

NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,  
Section 100

OAL Matter Number: 2023-1016-05

OAL Matter Type: Nonsubstantive (N)

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This action makes changes without regulatory effect increasing the jockey losing mount fees by the percentage increase of the state minimum wage pursuant to Business and Professions Code section 19501.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.



Date: November 30, 2023

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Anna Thomas  
Attorney

For: Kenneth J. Pogue  
Director

Original: Scott Chaney, Executive  
Director

Copy: Amanda Drummond

|  |                                 |   |                              |
|--|---------------------------------|---|------------------------------|
| OAL FILE NUMBERS                                   | NOTICE FILE NUMBER<br><b>Z-</b> | REGULATORY ACTION NUMBER<br><b>2023-1016-05</b> | EMERGENCY NUMBER<br><b>N</b> |
| For use by Office of Administrative Law (OAL) only |                                 |   |                              |
| NOTICE   |                                 | REGULATIONS                                     |                              |

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

**NOV 30 2023**

**3:25 PM**

OFFICE OF ADMIN. LAW  
2023 OCT 16 PM 4:32

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<br><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<br><input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn |                          | NOTICE REGISTER NUMBER | PUBLICATION DATE              |

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

|  |  |  |   |
|--|--|--|---|
| 1a. SUBJECT OF REGULATION(S)<br>Jockey's Riding Fee  |  | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |   |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)  |  |  |   |
| SECTION(S) AFFECTED<br>(List all section number(s) individually. Attach additional sheet if needed.)   |  | ADOPT  |   |
| TITLE(S)   |  | AMEND  |   |
| 4  |  | 1632   |   |
| 3. TYPE OF FILING  |  | REPEAL   |   |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)<br><input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)<br><input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))   |  |  |   |
| <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.<br><input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) |  |  |   |
| <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))<br><input type="checkbox"/> File & Print<br><input type="checkbox"/> Other (Specify)   |  |  |   |
| <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)<br><input type="checkbox"/> Print Only  |  |  |   |
| 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)   |  |  |   |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100 )  |  |  |   |
| <input 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 checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2024</b>   |  |  |   |
| 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<br><input type="checkbox"/> Other (Specify)  |  |  |   |
| 7. CONTACT PERSON<br>Amanda Drummond   |  | TELEPHONE NUMBER<br>(916) 869-3255                       | FAX NUMBER (Optional)<br>E-MAIL ADDRESS (Optional)<br>amdrummond@chr.ca.gov |

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  
Digitally signed by Amanda M. Drummond  
Date: 2023.10.16 14:28:46 -0700

DATE  
10/16/2023

TYPED NAME AND TITLE OF SIGNATORY  
Amanda Drummond, Manager, Policy, Regulations, and Administrative Hearings

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**NOV 30 2023**

**Office of Administrative Law**

CALIFORNIA CODE OF REGULATIONS  
TITLE 4. BUSINESS REGULATIONS  
DIVISION 4. CALIFORNIA HORSE RACING BOARD  
ARTICLE 6. ENTRIES AND DECLARATIONS  
AMENDMENT TO  
RULE 1632. JOCKEY'S RIDING FEE

Rule 1632. Jockey's Riding Fee.

(a) Winning jockey riding fees in the absence of a contract or special agreement are 10% of the Win Purse.

(1) The purpose of subsection (a) is not to set a minimum or maximum fee. It provides a fee if the parties have not made a written agreement to the contrary.

(2) All fees pursuant to subsection (a) are payable in the lower purse range until the next higher purse range is reached, unless there is a written agreement to the contrary.

(b) Jockey riding fees for losing mounts are:

| Gross Purse               | Losing Mount                      |
|---------------------------|-----------------------------------|
| \$100,000 and up: .....   | <del>\$261.53</del> <u>269.97</u> |
| 50,000–99,999: .....      | <del>213.10</del> <u>219.97</u>   |
| 25,000–49,999: .....      | <del>184.03</del> <u>189.97</u>   |
| 15,000–24,999: .....      | <del>164.64</del> <u>169.95</u>   |
| 10,000–14,999: .....      | <del>154.97</del> <u>159.97</u>   |
| Less than \$10,000: ..... | <del>145.29</del> <u>149.98</u>   |

(1) The purpose of subsection (b) is to set a minimum, but not a maximum riding fee. No non-winning jockey shall be paid less than the riding fee set forth in subsection (b).

(2) All fees pursuant to subsection (b) are payable in the lower purse range until the next higher purse range is reached unless there is a written agreement to the contrary.

However, no such written agreement shall reduce the minimum required by subsection (b).

(3) To determine the horse owner's place purse or show purse when calculating non-winning jockey riding fees, the Paymaster of Purses shall use the purse agreement provided in the Horsemen's Agreement for the race meeting at which the jockeys earned such fees. The losing mount fee shall be paid as provided under subsection (b) of this rule.

(4) For horse races with gross purses between \$10,000 and \$100,000 and up, a minimum of five percent of the horse owner's place purse or show purse plus \$10.00 shall be used when calculating the second place and third place non-winning jockey riding fees.

(5) If the losing mount fee is equal to or greater than the third place mount fee, the Paymaster of Purses shall adjust the mount fees so that the third place mount shall earn at minimum \$2 more than the losing mount, and the second place mount shall earn at minimum \$2 more than the third place mount.

(c) A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey elects to take himself off of his mount. If there is a substitution of jockeys, no additional jockey fee or double jockey fee need be paid except when ordered by the stewards.

(d) In this rule "Win Purse" means the amount paid the winning horse less the fees paid exclusively by the owner to enter the horse in the race;

(1) Entry, nomination or other fees paid shall not be deducted from a jockey riding fee if such fees are paid or reimbursed by any person or entity other than the owner.

(e) If the parties agree on the fee to be paid the jockey, a contract or agreement in writing signed by the jockey or his agent and the owner or his authorized agent specifying the agreed upon fee if a winning mount, second place mount, third place mount and losing mount shall be delivered to the paymaster of purses before the running of the race in question. The paymaster of purses shall debit the owner's purse account under the contract or written agreement. If no contract or written agreement is submitted before the running of the race in question, the paymaster of purses shall debit the owner's purse account under the fee scale set forth in this rule.

(f) A jockey may not share in the fees of another jockey.

Authority: Sections 19440, 19501 and 19562,  
Business and Professions Code.

Reference: Sections 19401(a), 19401(d), 19420, 19440, 19501 and 19502,  
Business and Professions Code.