

**This is an amendment to 16.47.1 NMAC, Sections 6, 8 and 10, effective February 25, 2020.**

**Explanatory paragraph:** In 16.47.1.8 NMAC, Subsections B through V were not published as there were no changes. In 16.47.1.9 NMAC, Subsection A, and Subsections C through F were not published as there were no changes. In 16.47.1.10 NMAC Subsections B through C and E through F were not published as there were no changes.

**16.47.1.6 OBJECTIVE:** ~~[The objective of Part 1 of Chapter 47 is]~~ To establish licensing requirements for horse racing participants; and establish and describe the requirements, standards and criteria for human substance abuse testing for occupational licensees licensed by the commission.  
[16.47.1.6 NMAC - Rp, 16 NMAC 47.1.6, 03/15/2001; A, 02/25/2020]

**16.47.1.8 GENERAL PROVISIONS:**

**A. Licenses required:** A person as defined by ~~[Paragraph (7) of Subsection P of]~~ 15.2.1.7 NMAC shall not participate in pari mutuel racing under the jurisdiction of the commission, or be employed by an association who is a gaming operator, without a valid license issued by the commission.

(1) License categories shall include the following and others as may be established by the commission: **Group A** - racing participants eligible for an optional annual or triennial year license to include owners, trainers, veterinarians, jockeys, and stable name registrations. **Group B** - associations, racing professionals, concession operators, contractors, and managerial racing officials. **Group C** - supervisory racing officials. **Group D** - persons employed by the association, or employed by a person or concern contracting with the association, to provide a service or commodity, which requires their presence in a restricted area, or anywhere on association grounds while pari mutuel wagering is being conducted. **Group E** - racetrack employees and authorized agents.

(2) Persons required to be licensed shall submit a completed application on forms furnished by the commission and accompanied by the required fee. The following fees are assessed for the issuance of the specified licenses. In addition to license fees listed herein, \$20.00 is assessed for each identification picture and badge.

Announcer	\$ 75.00
Assistant general manager	\$100.00
Assistant racing secretary	\$ 20.00
Association	\$100.00
Auditor, official	\$ 75.00
Authorized agent	\$ 10.00
Clerk of scales	\$ 20.00
Clocker	\$ 20.00
Club, racetrack	\$100.00
Concession employee	\$ 10.00
Concession operator	\$100.00
Custodian of jockey room	\$ 20.00
Director or corporate officer	\$100.00
Director of operations	\$ 75.00
Director of racing	\$ 75.00
Exercise person	\$ 20.00
General manager	\$100.00
Groom	\$ 10.00
Horseman's bookkeeper	\$ 20.00
Identifier (horse)	\$ 20.00
Janitor	\$ 10.00
Jockey (3 year)	\$200.00
Jockey (1 year)	\$100.00

Jockey (apprentice) (3 year)	\$200.00
Jockey (apprentice) (1 year)	\$100.00
Jockey agent	\$ 75.00
Jockey valet	\$ 10.00
Laborer	\$ 10.00
Office personnel (specify position)	\$ 10.00
Official veterinarian (3 year)	\$200.00
Official veterinarian (1 year)	\$100.00
Outrider	\$ 20.00
Owner (3 year)	\$200.00
Owner (1 year)	\$100.00
Paddock judge	\$ 20.00
Pari mutuel employee	\$ 10.00
Pari mutuel manager	\$ 75.00
Placing judge	\$ 20.00
Photo employee	\$ 10.00
Plater	\$100.00
Pony person	\$ 10.00
Private barns	\$100.00
Racing secretary-handicapper	\$ 75.00
Security chief	\$ 75.00
Security staff	\$ 10.00
Simulcast company employee	\$ 10.00
Simulcast coordinator	\$ 75.00
Simulcast operator	\$100.00
Special event, 1 or 2 day	\$200.00
Stable name (3 year)	\$200.00
Stable name (1 year)	\$100.00
Stable superintendent	\$ 75.00
Starter	\$ 75.00
Starter assistant	\$ 20.00
Ticket seller (admissions)	\$ 10.00
Timer	\$ 20.00
Totalisator employee	\$ 10.00
Totalisator operator	\$100.00
Track maintenance, employee	\$ 10.00
Track physician	\$100.00
Track superintendent	\$ 75.00
Trainer (3 year)	\$200.00
Trainer (1 year)	\$100.00
Trainer assistant	\$ 20.00
Veterinarian assistant	\$ 20.00
Veterinarian, practicing (3 year)	\$200.00
Veterinarian, practicing (1 year)	\$100.00
Veterinarian, racing (3 year)	\$200.00
Veterinarian, racing (1 year)	\$100.00
Watchman	\$ 10.00

(3) License applicants shall be required to furnish to the commission a set(s) of fingerprints and a recent photograph. Any license applicant that is under the age of 18 years of age is exempt from the requirement to submit fingerprint cards.

(a) All license applicants shall be required to be re-fingerprinted every six years and re-photographed periodically as determined by the commission.

(b) Requirements for fingerprints may be fulfilled by:

- (i) submission of fingerprints; or
- (ii) verification that fingerprints were submitted for processing;
- (iii) submission of a fingerprint reciprocity affidavit; or
- (iv) provide proof of licensure from another jurisdiction to which

fingerprints were submitted within the last six years.

(4) License applicants for groom, watchman, exercise and pony persons must submit to a drug (controlled substances) and alcohol-screening test when making application for license.

(5) As a participant of the national racing compact licensing program and as an alternative to the licensure requirements set forth in Paragraphs (2) through (4) of Subsection A of 16.47.1.8 NMAC, the commission may authorize applicants to utilize the national racing compact licensing program to obtain a New Mexico racing license subject to the applicable licensure fees set forth in Paragraph (2) of Subsection A of 16.47.1.8 NMAC.

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[16.47.1.8 NMAC - Rp, 16 NMAC 47.1.8, 03/15/2001, A, 08/30/2001; A, 11/15/2001; A, 12/14/2001; A, 02/14/2002; A, 11/14/2002; A, 03/31/2003; A, 07/15/2003; A, 09/29/2006; A, 03/30/2007; A, 08/14/2008; A, 06/15/2009; A, 09/15/2009; A, 01/01/2014; A, 04/01/2014; A, 06/01/2016; A, 12/16/2016; A, 07/01/2017; A, 03/14/2018; A, 02/25/2020]

#### **16.47.1.9 OWNERS:**

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##### **B. Licensing requirements for multiple owners:**

(1) If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner shall be licensed as required in ~~Paragraph (1) of Subsection A of~~ 16.47.1.8 NMAC.

(2) Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the commission all owners holding a five percent or greater beneficial interest, unless otherwise required by the commission.

(3) Each partnership, corporation, limited liability company, syndicate or other association or entity which includes an owner with less than a five percent ownership or beneficial interest shall file with the

commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.

(4) To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse must establish a bona fide need for the license and the issuance of such license must be approved by the stewards.

(5) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

(6) The written appointment of a managing owner or authorized agent shall be filed with the commission.

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[16.47.1.9 NMAC - Rp, 16 NMAC 47.1.9, 03/15/2001; A, 02/14/2002; A, 07/15/2003; A, 02/25/2020]

#### **16.47.1.10 TRAINERS:**

##### **A. Eligibility:**

(1) An applicant for a license as trainer or assistant trainer must be at least 18 years of age.

(2) Applicants not previously licensed or applying for a renewal license as a trainer shall be qualified, as determined by the stewards or other commission designee, by reason of:

(a) ~~[At least two years' experience as a licensed assistant trainer, or comparable experience in other equine disciplines, or college level education in equine science or horsemanship or both.]~~ At least two years' experience as a licensed groom, jockey, exercise rider, pony person, plater or owner who is actively participating in the stable area. An owners' license will only be accepted if licensee can prove they are a "hands-on" owner actively working as a groom at the racetrack on their own horses under the supervision of a licensed trainer.

(b) Shall be required to pass a written examination, with a minimum score of 80 percent in each category, oral interviews with stewards and a regulatory veterinarian; and demonstrate practical skills.

(c) Must submit two written statements from trainers currently licensed in New Mexico as to the character and qualifications of the applicant and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.

(d) Applicants failing the first written/oral examination must wait 30 days before retaking the trainer's test.

(e) Applicants failing the second written/oral examination must wait 60 days before retaking the trainer's test.

(f) Applicants failing the third written/oral examination must wait one year before retaking the trainer's test.

(3) A trainer licensed and in good standing in New Mexico applying for a renewal license or a trainer from another jurisdiction, and the license having been issued within a 24 month period, [and having no record of a class 1 or 2 violation, or has less than three class 3, 4, 5 violations in the preceding 24 month period in any jurisdiction] may be accepted if evidence of experience and qualifications are provided. In addition, the licensee must have no record of a class 1 or 2 violation, in the preceding 24 month period in any jurisdiction for it to be accepted. Evidence of qualifications shall require passing one or more of the following:

(a) a written test;

(b) a demonstration of practical skills;

(c) an interview with the stewards.

(4) Upon timely request to the steward's or commission designee due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations shall be made for the applicant including, but not limited to, oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the stewards or commission designee administering the examination.

(5) Beginning no later than June 1, 2016, in order to maintain a current license, trainers must complete at least four hours per calendar year of continuing education courses approved by the association of racing commissioners international, incorporated or the New Mexico racing commission.

(6) Failure to start a minimum of one horse very six months while holding a trainers' license will subject licensee to retest or interview before the board of stewards.

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**D. Assistant trainers:**

(1) A trainer may employ an assistant trainer, who shall be equally responsible with the employing trainer for the condition of the horses in their care. The name of the assistant trainer shall be shown on the official program along with that of the employing trainer.

(2) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission may include those requirements prescribed in Paragraph (1) of Subsection A of 16.47.1.10 NMAC.

(3) An assistant trainer must be licensed for a minimum of two years as an assistant trainer before being eligible to obtain a trainer's license.

(4) If an assistant trainer passed the written examination with a minimum score of 80 percent in each category within the previous 48 months, the licensee is not required to retake the test in order to obtain their trainer's license.

(5) An assistant trainer shall assume the same duties and responsibilities as imposed on the licensed trainer.

[(4)] (6) The trainer shall be jointly responsible for the assistant trainer's compliance with the rules governing racing.

[(5)] (7) A trainer that is involved in, or notified of, or under suspension for 30 days or more of a drug or rule violation, shall not transfer their horses to his or her assistant trainer or an employee of the trainer.

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[16.47.1.10 NMAC - Rp, 16 NMAC 47.1.10, 03/15/2001; A, 11/15/2001; A, 03/30/2007; A, 08/30/2007; A, 06/30/2009; A, 09/15/2009; A, 07/05/2010; A, 05/16/2014; A, 09/15/2014; A, 03/15/2016; A, 06/01/2016; A, 12/16/16; A, 03/14/2018; A, 02/25/2020]