

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 17 Amended Rule

Rule Number(s): 3769-17-16

Date: May 2017

This is an amended rule & may be found by accessing the Commission's website at www.racingohio.net or through LAWriter at <http://codes.ohio.gov/oac/3769-6>.

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

3769-17-16 defines proper conduct for harness drivers regarding race driving.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 3769.03

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- 3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

No, the commission is the only entity that regulates horse racing in Ohio.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The Commission is the only entity that regulates horse racing in Ohio. The Commission is charged with ensuring the integrity of horse racing in this state. Administrative Rules are promulgated pursuant to the Commission's statutory obligation to regulate this industry.

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These regulations protect race participants and the wagering public by outlining the requirements for drivers' driving protocol prior, during and after races.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

This regulation has been in place for some time and the Commission believes the success of the regulation has been demonstrated but this rule was amended for clarification.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The primary stakeholders are the seven commercial permit holders and members of the horsemen's association who are required to implement and/or follow these rules pertaining to racing conduct. As this rule have been in existence, in their current form, for decades, the Commission voted to submit the rules at a public business meeting.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

This rule were provided to the industry and comments were received for suggested changes, and is a rule which the commission chose to change.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No additional scientific data was used to develop the rule as it was edited for clarification.

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10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternative regulations were considered as this rule has been in existence for several years and only typographical changes were found to be warranted.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

No, this regulation require permit holders, owners, trainers, and drivers to follow a consistent set of rules for racing conduct.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

No measures were taken because no other agency regulate horse racing in Ohio, therefore no duplication will occur.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The regulation has been implemented for several years to all commercial tracks in Ohio.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The scope of the impacted business community includes the seven commercial race track permit holders in Ohio and the licensees associated with horse racing.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

3769-17-16 explains the proper conduct that drivers must adhere to when driving in a harness race.

c. Quantify the expected adverse impact from the regulation.

3769-17-16 There is no adverse impact from a short, re-defining of the rule.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

3769-17-16 The adverse impact is justified because this rule ensures the safety and fairness of the sport for racing participants and the wagering public.

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Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, this regulation applies to only seven commercial race track permit holders; therefore an exemption for small businesses is not applicable.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

R.C. 119.14 is not applicable.

18. What resources are available to assist small businesses with compliance of the regulation?

The Commission website at www.racing.ohio.gov

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900

The Executive Director at bill.crawford@rc.state.oh.us

3769-17-16

Improper conduct in race.

- (A) ~~Loud shouting or other improper~~ Improper conduct is forbidden in a race.
- (B) Drivers shall keep both feet in the stirrups or on any approved foot support at all times while on the track and during the race, except to pull ear plugs.
- (C) Drivers shall not use any part of their feet and/or legs to impel a horse whether or not the feet remain in the stirrups.
- (D) Drivers shall not lean back excessively in the sulky during a race and shall keep the hand holds set in a position to keep control of the horse.