

Modified Tour, Inc.
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Modified
Tour, Inc.
Racing Series
2011

Rules and Procedures for Modified Tour Drivers

- 1. This year (2011) Modified Tour, Inc. will continue a membership package for all BRP Modified drivers.** All drivers will pay a one (1) time Season Membership fee of \$30, or for those who do not plan to run the entire season with us, a Temporary Membership will be available for \$15 per event. This will be required for each driver to pull a pill and be part of the Modified Tour point fund.
- 2. The race director shall** be empowered to permit reasonable and appropriate deviation from any of the specifications herein or impose any further restrictions that in his opinion do not alter the minimum acceptable requirements. No expressed or implied warranty of safety shall result from such alteration of specifications. Any interpretation or deviation of these rules is left to the discretion of the Modified Tour officials and their decisions are final.
- 3. Points go to the driver only. No exceptions.**
- 4. Point values** are as follows: Heats: 6, 5, 4, 3, 2, 1. Features: 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4,4. Anyone competing in B-Mains but do not qualify for A-Main will receive 2 points. Also, every driver attending an event with their car will receive 20 show-up points. At the end of the season an additional 50 points will be added to those with perfect attendance.
- 5. Rainouts:** 20 show-up points for a rainout will be given **only** after the first heat race of the night has taken the green flag. (Example: If we are at a track where the Sprint Cars are the first heat of the night, their first heat race must have taken the green in order for us to give 20 points for a rainout.) If all Modified heat races are completed and then the show is rained out, heat race points along with the 20 show up points will be given for that night. If all modified heat races are not completed and it rains, no one will receive points for the heats and you will only receive the 20 show up points.
- 6. Rescheduled rain date:** Only in the event of a whole new show will an additional 20 show up points be awarded. If it is rescheduled as a feature only make-up show, no show up points will be awarded.
- 7. Pill Draw** will be used to determine heat race lineups, unless the promoter elects to use a time trial format. Top 12 finishers from heat races will draw for their starting position on the track or at the Modified Tour trailer. The final A-Main qualifiers will fill in the middle part of the feature lineup. B-Mains will determine the final starting positions and Alternate positions for the feature. All Alternates will be required at the starting lineup for the feature and will be added in the case that a qualified car has scratched from the feature event.

8. **Feature events** will be 30, 35 or 40 lap events. At all regular Modified Tour events there will be **ABSOLUTLY NO FUEL STOPS**. Heat races will be 8 laps in length with B-Mains (10-12 laps depending on amount of cars).
9. **All restarts** will follow normal track procedures.
10. **Order of Events and Lineups:** The order of events and lineups at each individual track will be posted at the Modified Tour Trailer which will be located in the pit area at all tracks. It is the responsibility of each individual race team to stay abreast of changes to those lineups in the event of changing weather conditions, etc.
11. **Race tracks** will choose their provisional first. If the track doesn't take a provisional then Modified Tour, Inc. will use both provisional's in keeping with the 26 car starting field. Modified Tour provisional will be chosen from the points list for 2011, with the exception of the first night which will be taken from the final 2010 Modified Tour points. Starting in 2011 the Modified Tour will allow the use of a past championship provisional to be used one time per season and only one past champion per event. Also, that past champion who uses the past champion provisional must start the B-Main in order to be qualified for the provisional. If the past champion has not used their 2011 provisional, it must be used first before the past champion's provisional is used.
12. **White Flag Rule:** All cars will follow the White Flag rule when lining up for heats, B-Mains and features. The White Flag rule means that all cars will be in the designated line-up area before the white flag flies in the previous heat race, B-Main or Feature event, or said cars will start at the rear of the field.
13. **In cases where the finish of the race is too close to call** (in real time), the track officials may use photo(s), video or electronic scoring, if available, to aid in determining the winner.
14. **Official RaceCeiver communication only**, will be used for the racing competition. No other radios or listening devices allowed.
15. **Modified Tour officials have final say on all official calls and rules.**
16. **Tire Rules:** D200/D300/D400 and Hoosier DIRT Soft/ Dirt Hard Tires.
17. **Modified Tour Car Body Rules** - All cars must conform to Modified body appearing standards consistent with Sharon Speedway, Mercer Raceway Park and DIRTCar rules at Lernerville, Tri City.
18. **Spoiler Height** - 50" Maximum
19. **Modified Tour Decal** - Located on the right side of car below door post.
20. **Small Block** - All small block cars need to be marked by driver on the right side of car door post.
21. **Driver's Meeting:** All drivers must attend Modified Tour Driver's Meeting.

22. RACERS' CODE OF CONDUCT

- 22.1 Discipline:** All drivers entering a Modified Tour, Inc. event shall be subject to discipline for any violation of the rules and regulations; violation of the Racer's Code of Conduct; or the failure to obey the directives and decisions of the Modified Tour Officials.
- 22.2 Drivers Responsible:** The drivers shall be responsible, at all times, for the behavior of the owner of the car and all pit crew and discipline may be imposed upon the driver for any car owner's or pit crew member's violation of the rules and regulations; violation of the Racer's Code of Conduct; or the failure to obey the directives and decisions of the Modified Tour Officials. However, Modified Tour, Inc. may also impose discipline upon the offending car owner or pit crew member; as Modified Tour Officials deem appropriate in their sole discretion.
- 22.3 Good Conduct Required:** All drivers, car owners and pit crew members shall at all times conduct themselves in a manner that reflects favorably upon the sport and the Modified Tour, Inc. Any failure to adhere to this rule may result in the imposition of discipline, in the sole discretion of the Modified Tour, Inc.
- 22.4 No Drugs:** No driver, car owner or pit crew member shall before, during, or after the event (as well as support classes) possess, use, consume or distribute any drug, narcotic or controlled substance which is illegal under federal, state or local law prevailing at the speedway. The Modified Tour, Inc. has a zero tolerance for illegal drugs, narcotics, and controlled substances. Any violation of this policy shall be grounds for immediate disqualification from the event, expulsion from the speedway grounds, criminal prosecution and imposition of any other discipline (including a lifetime ban) deemed appropriate by the Modified Tour Officials. Any person suspected of possession, use, consumption, or distribution shall submit to a medical examination (which may include blood and/or urine testing) within 24 hours, with the cost of same to be paid by the person suspected and with the written results to be provided directly to Modified Tour, Inc. Any substance suspected to be an illegal drug, narcotic, or controlled substance shall be confiscated by Modified Tour Officials and/or speedway security and/or law enforcement officers and may be subject to testing with the cost of same to be paid by the person suspected and with the written results provided directed to Modified Tour, Inc.
- 22.5 No Alcohol:** No driver, car owner or pit crew member shall possess, use, consume or distribute any alcoholic beverage on the speedway grounds before the event or while the evening's program (including all support classes) is still in progress unless the person is in a spectator area where consumption of alcoholic beverages is permitted by the speedway and the Modified Tour, Inc. portion of the program has been completed.
- 22.6 Persons Under the Influence:** No driver, car owner or pit crew member shall be permitted to enter or remain in the pits or infield area while under the influence of alcohol or any illegal drug, narcotic, or controlled substance. Any person suspected of being under the influence of alcohol or any illegal drug, narcotic, or controlled substance shall submit to a medical examination (which may include blood and/or urine testing) within 24 hours, with the cost of the same to be paid by the person suspected and with the written results to be provided directed to the Modified Tour, Inc. Any person refusing to submit to a medical examination shall be presumed to have possessed, used, consumes, or distributed a drug, narcotic or controlled substance, or alcohol, and shall be subject to discipline, in the sole discretion of the Modified Tour, Inc.

- 22.7 Media Relations:** The Modified Tour, Inc. recognizes and endorses the efforts of the racing media to promote modified racing and other forms of motorsports. Any driver refusing to participate in an on-track interview at the end of the event, any post-race interview arranged by Modified Tour, Inc. or in any post-race press conference shall be subject to discipline, including but not limited to imposition of a fine the shall be equal to or greater than the driver's winnings.
- 22.8 Fighting or Other Misconduct:** Any person taking part in discourteous conduct or causing a disturbance is subject to discipline. Persons leaving their pit area to go to another pit area or to any other location to cause a disturbance are subject to discipline. If any physical contact occurs, including but not limited to fighting, pushing or shoving, the offender is subject to discipline which shall include the loss of accumulated points and a fine and suspension, the amount and duration of which shall be determined by Modified Tour Officials in their sole discretion. Repeat offenders shall be subject to progressive discipline (which may include a lifetime ban). The Modified Tour, Inc. disapproves of this sort of behavior because it is detrimental to the sport and the presentation of a professionally staged entertainment program suitable for the entire family.
- 22.9 Rough Driving:** It is the policy of Modified Tour, Inc. to provide good, clean, competitive racing. Any driver, in the opinion of Modified Tour Officials, charged with rough driving (overly aggressive driving) will be subject to discipline, which shall include a fine, forfeiture of points, and suspension. Repeat offenders shall be subject to progressive discipline (which may include a lifetime ban). This rule against rough driving applies to both on-track incidents and those which occur in the pits. The Modified Tour, Inc. strongly disapproves of rough driving because it presents a safety hazard for drivers, spectators, and others; because it is detrimental to the sport; and because it interferes with the presentation of a professionally staged entertainment program suitable for the entire family.
- 22.10 No Abusive Language:** No driver or other person affiliated with the car (i.e., owner, pit crew member) shall subject the Modified Tour Officials, scorers, or speedway officials to verbal (improper/obscene/profane language) or physical abuse at any time. Offenders shall be subject to discipline, which shall include a fine, forfeiture of points, and suspension, and repeat offenders shall be subject to progressive discipline. The Modified Tour, Inc. disapproves of this sort of behavior because it is detrimental to the sport and the presentation of a professionally staged entertainment program for the entire family.
- 22.11 No Unsportsmanlike Conduct:** No driver shall engage in any unsportsmanlike conduct. Modified Tour Officials have the sole discretion to determine what constitutes unsportsmanlike conduct.

23. TECHNICAL INSPECTIONS

- 23.1 Right to Inspect:** Modified Tour Officials may inspect any car at any time before, during or after the race. The speedway may inspect any car for safety purposes before or during the race.
- 23.2 Prior Inspections:** The fact that a car was inspected and determined to be legal or safe on any prior occasion shall not govern. Cars must be legal and safe at all times. Cars deemed to be illegal or unsafe shall not be allowed to compete in the event and the driver may be subject to

discipline. The Modified Tour Officials make no warranty or representation of the legality or safety of cars allowed to compete in the event.

23.3 Post-Race Inspections: If any illegality is detected in any post-race inspection, the car will be disqualified, relegated to last place in the official order of finish for the race in which the disqualification occurred and the driver may be subject to discipline, which may include but is not limited to forfeiture of purse and/or points.

23.4 All drivers must cross the scales after heats, B-Mains, and feature events, if scales are available, regardless of what you are told over the one-way radios. Any car that goes to its' pit area before going to the scales will be presumed to be too light and will be disqualified from that race without right of protest or appeal.

24. WEIGH-IN PROCEDURE

24.1 The weigh-in procedure is as follows: The car must approach the scales at a safe speed, ease onto the scales, come to a complete stop, and let the engine idle. If the car is not positioned properly, it shall ease off the scales and repeat the procedure. The driver shall refrain from excessive motion while the car is on the scales and shall not rock or bounce the car. The driver shall not rev the motor. When instructed, the car shall ease off the scales. Failure to comply with any portion of this procedure shall be deemed to be unsportsmanlike conduct and the driver may be subject to discipline which may include disqualification without right of protest or appeal.

24.2 If a car is determined to be too light after the race is over, the car shall be reweighed. The Modified Tour Officials, in their sole discretion, shall determine the best course of action for reweighing. Location of the scales, proximity of the line of cars, are but two factors in that determination. The Modified Tour Officials may simply back the car back up onto the scales and reweigh. The car shall repeat the weigh-in procedure. If the car is determined to be too light again, it will be disqualified from that race and relegated to last place in the official order of finish, all without right of protest or appeal. If the car makes the minimum weight the second time it is weighed, it will be deemed to be legal. No car will be weighed more than two (2) times. If the driver is determined to be light and goes to the driver's pit area or onto the track, it will be presumed that the car is too light and it will be disqualified from that race and relegated to last place in the official order of finish, all without right of protest or appeal, and the driver may be subject to discipline.

24.3 Driver's Responsibility: It is the driver's responsibility to be sure that the car meets the minimum weight at all times. The driver may request that the car be weighed at any time before or during the program, so long as the request does not interfere with the orderly presentation of the program.

24.4 Earlier Weight Checks: Cars may be weighed several times over the course of the racing program. Just because the car made minimum weight earlier in the program will not be controlling any other time the car is weighed.

24.5 No Tolerance: The Modified Tour, Inc. does not allow for any tolerances for fuel burn-off or any other reason.

24.6 Scales are Official: All scales used by Modified Tour, Inc. are considered to be the official scales for that racing event only. The scales might not be calibrated or certified to be considered official. Weight rules for 2010: 2,400# - Small blocks up to 360 cu. in. and/or Mercer legal.

2,500# - All other motors

- ✓ All Small Block cars must declare cubic inch size when registering car at the trailer, and have marked in the proper place. (See rule #20)
- ✓ Exception: At the DIRTCar track, Lernerville weight will be:
 - 2,400# - Small blocks 358 cu. in. No Aluminum blocks. (Must pump 358 cubic inches)
 - 2,500# - Any car under 477 cu. in.
 - 2,700# - Any car over 477 cu. in.

24.7 All Decisions Final: The decisions of the Modified Tour Officials concerning compliance with the weight requirements and procedures shall be final and shall not be subject to protest or litigation.

25. DISCIPLINE

25.1 Right to Discipline: Modified Tour Officials shall have the sole right to determine whether a driver or other person shall be subject to discipline.

25.2 Whether to Impose Discipline: Whether a person is subject to discipline shall be a matter entrusted to the discretion of the Modified Tour Officials.

25.3 Amount of Discipline: Unless rules of the Modified Tour, Inc. establish a specific penalty for any transgression, the nature and amount of the discipline imposed shall be within the sole discretion of the Modified Tour Officials.

Modified Tour Officials may imposed any of the following forms of discipline, singly or cumulatively.

1. Disqualification from the event;
2. Forfeiture of points for the event or the season to date;
3. Forfeiture of purse money or contingency money;
4. Forfeiture of point money, if any;
5. Imposition of a fine;
6. Suspension from one or more future events;
7. Lifetime ban from all Modified Tour, Inc. events.

- 25.4 Progressive Discipline:** The Modified Tour, Inc. shall keep a record of all discipline imposed. Persons subject to progressive discipline shall suffer a greater penalty for the second and each subsequent offense. For example, if a driver is fined \$100 for the first offense, the second offense may result in a fine of \$200 and the third offense may result in a fine of \$300. Progressive discipline; however, shall not carry over to the following season.
- 25.5 Fines:** All fines imposed by the Modified Tour, Inc. before the pay-off is made shall be withheld from the purse or contingency monies the driver is eligible to receive for the event. If the purse or contingency monies due the driver are not sufficient to satisfy the fine, the fine will carry forward to subsequent Modified Tour, Inc. events. If the fine is imposed after the pay-off is completed for that event, it will carry forward to subsequent Modified Tour, Inc. events. A driver must pay all outstanding fines to be allowed to enter any subsequent Modified Tour, Inc. events. If an owner/driver does not pay a fine imposed, the owner/driver's car cannot compete in a subsequent Modified Tour, Inc. event with another driver until the fine is paid. A car owner must pay all fines before the car may be driven in any subsequent Modified Tour, Inc. event. Any fines remaining unpaid at the end of the season shall be withheld from the driver's point money, if any is due the owner/driver. If the point money is insufficient to pay the outstanding fine or if the driver is not eligible for any point money, the fine shall carry over from season to season until it is fully paid.
- 25.6 Suspensions:** All suspensions must be fully served. Cancelled events do not count against the suspension. For example, if a driver is suspended for two (2) events and the next event is cancelled due to inclement weather, the suspension continues in effect until fully served. Any suspension imposed shall carry over to the following season until fully served. For example, if a driver is given a three race suspension but only two events remain on the schedule, the suspension will still be in effect at the first event of the following season.
- 25.7 Finality of Decision:** The decisions of the Modified Tour Officials regarding discipline shall not be subject to protest or litigation.
- 25.8 Not law Enforcement:** While the Modified Tour, Inc. has the right to impose discipline for any misconduct that is in violation of any law (such as assault, terroristic threats, public intoxication or illegal drug use), the Modified Tour Officials are not responsible for law enforcement or investigation. Rather, investigation and prosecution shall be the responsibility of law enforcement officials and/or speedway security. Modified Tour Officials shall cooperate whenever practicable, but are not bound by any decision of law enforcement and/or security to the undertake or to decline an investigation or prosecution.

26. PROTESTS

- 26.1 Spokesman:** The driver shall be the sole spokesman for the team and the car owner.
- 26.2 Written Protests Only:** All protest must be submitted in writing to the Modified Tour Race Director within ten (10) minutes of the official announcement of the order of finish. The protest must specifically state the basis for the protest. Verbal protests will not be considered. The failure to file a timely, written, specific protest shall be deemed to be a waiver of the right to protest and shall preclude any subsequent appeal or litigation.

- 26.3 Right to Protest:** Any affected driver may protest any violation of the rules (including car specifications and weight requirements) unless the rules expressly preclude the filing of a protest or appeal.
- 26.4 A Main Only:** Protest may be lodged with respect to the A Main only. Protests may not be lodged with respect to any qualifying event.
- 26.5 Visible Protests:** Protests may be made concerning visible violations of rules or specifications. A visible protest situation is any time a tool or mechanical device is not needed by a Modified Tour Official to determine the car's compliance with the rule.
- 26.6 Technical Protests:** Technical protests must be filed with the Modified Tour Director and must be accompanied by a \$500.00 fee, paid in cash before investigation. Failure to pay the protest fee, in cash, shall be deemed a waiver of the right to protest and shall preclude any subsequent appeal or litigation. A technical protest situation is any protest which requires any tool or mechanical device (including scales) for a Modified Tour Officials to determine a car's rule compliance. For the purpose of a subsequent appeal, all measurements by Modified Tour Officials are presumed to be correct, absent a showing by the driver of a mistake or prejudice. If the protested car is found to be illegal, it shall be the burden of the driver to establish legality in any subsequent appeal or litigation. If the protested car is found to be illegal, the protest fee is refunded to the protester, less an administrative fee of \$250.00, which shall be retained by the Modified Tour, Inc. If the car is found to be legal, the fee is retained by the Modified Tour, Inc., with \$250.00 going to the Modified Tour, Inc. and \$250.00 going to the protested car. Cars that are found to be illegal will forfeit all points earned for the race in questions and the driver will also forfeit any earnings due for that race. The Modified Tour, Inc. shall not be responsible for any damage caused by the inspection.
- 26.7 Race Results Protests:** Any affected driver may protest race results. A recheck of scoring will then be made, if necessary, and, thereafter, the results will be considered final.
- 26.8 Holding the Purse:** In the event of a protest, the speedway may, with the advice and consent of the Modified Tour, Inc., delay purse distribution until the matter is ultimately decided by the appeal board. The speedway can, at its discretion and with the advice and consent of the Modified Tour, Inc., distribute that portion of the purse to drivers whose finishing positions will not be affected by the protest or any subsequent appeal.
- 26.9 Right to Refuse Protest:** The Modified Tour, Inc. reserves the right to refuse any protest if the protest is deemed unnecessary and/or is deemed to have been used for purposes of harassment.
- 26.10 Records of Protest:** The Modified Tour, Inc. will retain all written protests for seven (7) days after the event giving rise to the protest.

27. APPEALS

- 27.1 Exclusive Remedy:** The Modified Tour, Inc. has established a grievance board of appeals to rule on appeals. The appeal process contained in these rules shall be binding on all parties and shall not be subject to judicial review or litigation. The appeal process is the exclusive means for any aggrieved party to seek review of any reviewable decision of a Modified Tour Official.

- 27.2 Submitting Appeal:** The appeal must be submitted, in writing, to the Modified Tour Office or to a Modified Tour Official, with a copy to the Chairman of the Appeal Board, Louis C. Long, Esquire, One Oxford Centre, 38th Floor, 301 Grant Street, Pittsburgh, PA 15219, by e-mail to lcl@pietragallo.com; or by fax to 412-263-4224, within 48 hours of the event or decision giving rise to the appeal. The appeal will be deemed submitted on the date of actual receipt by the Modified Tour Office or Modified Tour Official, if delivered in person or by fax (provided that transmitting fax dates the transmission); but if the appeal is submitted by mail, then the date of the postmark shall govern. The appeal must state the following: the decision to be reviewed; the date of the event or decision giving rise to the appeal; the name of the Modified Tour Official, if any, involved in the matter; the substance of the decision to be reviewed; and specific grounds for which an appeal is sought. The failure to submit a timely, written and specific appeal shall be deemed to be a waiver of the right to appeal and shall not be subject to judicial review or litigation.
- 27.3 Appeal Board:** Members of the appeal board shall be determined as follows: Two (2) members of the board shall be selected by the Modified Tour, Inc.; one (1) member of the board shall be selected by the driver lodging the appeal, with the following proviso: the driver representative shall not have any interest whatsoever in the outcome of the appeal. The Chairman of the Appeal Board, Louis C. Long, Esquire, or the chairman's designee, shall be an administrative member, but the chairman or the designee shall have no vote, except to break ties.
- 27.4 Convening the Board:** The appeal board will meet whenever and wherever necessary for the efficient and speedy disposition of its business. The appealing party will be given written notice of the date, time and place for the meeting. The meeting may take place in person or by telephone. A quorum of the board shall consist of any two voting members of the appeal board and the chairman or the chairman's designee.
- 27.5 Decision:** A majority of the members of the board voting must concur to modify any penalty or determine any appeal. A decision of the majority of the board shall be considered final and shall not be subject to any judicial review or litigation. If the board fails to agree on action to be taken on an appeal, the appeal shall be referred to the Modified Tour president for decision and the president's decision shall be final and shall not be subject to judicial review or litigation.
- 27.6 Parts:** When an appeal involved the legality of any parts, the affected driver or car owner must surrender the part or parts in question. The Modified Tour, Inc. will issue a receipt upon surrender of the parts, but the parts will not be returned until after the appeal hearing is concluded.
- 27.7 Procedure:** The procedure for the hearing on the appeal is as follows:
1. First, the decision of the Modified Tour Official or Officials shall be put into the record.
 2. Second, the contents of the written appeal shall be put into the record.
 3. Next, the aggrieved party will state his case and will call any witnesses or introduce any evidence to support that case. Hearsay evidence is admissible.

4. Next, the Modified Tour Official(s) will state the case in support of the decision from which an appeal is being made, and may call any witnesses or introduce any evidence to support that case. Hearsay evidence is admissible.
 5. Next, the aggrieved driver will make any desired rebuttals, additions to the record or summations.
 6. Next, the Modified Tour Official(s) will make any desired rebuttals, additions to the record or summations.
 7. At any time during the hearing, members of the appellate board will be given the opportunity to ask any questions of any person present in person or by telephone at the time of the hearing.
 8. In the interest of justice, the appeal board may continue any hearing to receive additional evidence.
 9. After the record is closed, the members of the appeal board will deliberate in private and will make its determination, decision or recommendation by majority vote.
 10. All interested parties will be notified in writing of the appeal board's decision.
 11. The Modified Tour, Inc. shall retain copies of all decisions by the appeal board.
 12. If the payment of the purse or any portion thereof was withheld due to the appeal, the promoter shall be notified, in writing, by the Modified Tour, Inc. of the decision and its impact upon the payment of the purse and the promoter shall distribute all withheld sums forthwith.
28. **Any rules or regulations not covered in this document will be determined on a timely basis and voted on by Modified Tour, Inc. Board Members and by Modified Tour, Inc. Officials and those decisions will be final.**