

Title 260 WAC

HORSE RACING COMMISSION

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| 260-68-030 | Taking specimens—Presence of owner or representative required—Cooperation enjoined—Penalty. [Rules of racing, § 364, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-040 | Transmittal of specimens to chief chemist. [Rules of racing, § 365, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-050 | Sampling medicines and drugs. [Rules of racing, § 366, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-060 | Identification of medicine prerequisite to action on report. [Rules of racing, § 367, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-070 | Containers—Seals—Saliva test, distilled water to be used. [Rules of racing, § 368, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-080 | Testing horses of owner or trainer under investigation. [Rules of racing, § 369, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-090 | Persons permitted at testing place. [Rules of racing, § 370, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-100 | Drugs, stimulants, narcotics—Attempted use or use affecting racing condition—Duty to protect horse—Penalties—Denial or return of prize—Eligibility of other horses. [Order 72-4, § 260-68-100, filed 6/27/72; Rules of racing, § 371, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-110 | Drugs, stimulants, narcotics—Voiding track record. [Rules of racing, § 372, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-120 | Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Penalties. [Order 72-4, § 260-68-120, filed 6/27/72; Rules of racing, § 373, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-130 | Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Duty to protect horse—Denial or return of prize—Eligibility of other horses. [Rules of racing, § 374, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-140 | Hypodermic instruments. [Rules of racing, § 375, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-150 | Who may administer medications—Reports. [Rules of racing, § 376, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 260-42

POSTPONEMENTS, CANCELLATIONS AND PREFERENCES

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| 260-42-010 | Postponement from day to day. [Rules of racing, § 212, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. Later promulgation, see WAC 260-40-275. |
| 260-42-020 | Refunds when stake race declared off. [Rules of racing, § 213, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. Later promulgation, see WAC 260-40-245. |
| 260-42-030 | Public notice. [Rules of racing, § 214, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-42-040 | Preferences—Preferred list. [Rules of racing, §§ 215 through 219, filed 4/21/61.] Repealed by 07-11-112, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |

Chapter 260-68

MEDICATION AND DRUGS

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| 260-68-010 | Commission may require association to set apart place for medication and testing. [Rules of racing, § 361, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |
| 260-68-020 | Horses to be sent to testing enclosure, when. [Rules of racing, §§ 362, 363, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC. |

Chapter 260-76

BOOKMAKING

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| 260-76-010 | Hand books and foreign books prohibited. [Rules of racing, §§ 377, 378, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-76-020 | Bookmakers, vagrants, fugitives, undesirable persons, not permitted at track. [Rules of racing, § 379, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |

Chapter 260-88
APPEAL TO THE COMMISSION

260-88-010 Hearing before the commission. [Statutory Authority: RCW 67.16.020, 04-19-047, § 260-88-010, filed 9/13/04, effective 10/14/04; 04-05-096, § 260-88-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040, 00-07-043, § 260-88-010, filed 3/6/00, effective 4/6/00; 92-17-002, § 260-88-010, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

Reviser's note: Later promulgation, see WAC 260-08-675.

Chapter 260-997
INDEX TO TITLE 260 WAC
(HORSE RACING COMMISSION)

260-997 Commission's index to Title 260 WAC. [Rules of racing, Index, filed 1/21/64.] Repealed by 82-09-016 (Order 82-03), filed 4/19/82. Statutory Authority: RCW 67.16.020 and 67.16.040.

Chapter 260-08 WAC
PRACTICE AND PROCEDURE

WAC

260-08-005 Horse racing commission—Composition—Duties.
260-08-595 Role of the executive secretary.
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260-08-673 Presiding officer—Who may preside.
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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

260-08-010 Appearance and practice before commission—Who may appear. [Regulation 08.010, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-030 Appearance and practice before commission—Solicitation of business unethical. [Regulation 08.030, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-040 Appearance and practice before commission—Standards of ethical conduct. [Regulation 08.040, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-050 Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff. [Regulation 08.050, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-060 Appearance and practice before commission—Former employee as expert witness. [Regulation 08.060, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-070 Computation of time. [Regulation 08.070, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-080 Notice and opportunity for hearing in contested cases. [Regulation 08.080, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-090 Service of process—By whom served. [Regulation 08.090, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-100 Service of process—Upon whom served. [Regulation 08.100, effective 4/7/60.] Repealed by 93-24-015, filed

11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-110 Service of process—Service upon parties. [Regulation 08.110, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-120 Service of process—Method of service. [Regulation 08.120, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-130 Service of process—When service complete. [Regulation 08.130, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-140 Service of process—Filing with commission. [Regulation 08.140, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation 08.230, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-240 Depositions and interrogatories in contested cases—Scope. [Regulation 08.240, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation 08.250, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-260 Depositions and interrogatories in contested cases—Authorization. [Regulation 08.260, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Regulation 08.270, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Regulation 08.280, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-290 Depositions and interrogatories in contested cases—Recordation. [Regulation 08.290, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Regulation 08.300, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-310 Depositions and interrogatories in contested cases—Use and effect. [Regulation 08.310, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Regulation 08.320, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-330 Depositions upon interrogatories—Submission of interrogatories. [Regulation 08.330, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-340 Depositions upon interrogatories—Interrogation. [Regulation 08.340, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-350 Depositions upon interrogatories—Attestation and return. [Regulation 08.350, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Regulation 08.360, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-370 Official notice—Matters of law. [Regulation 08.370, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.

- 260-08-380 Official notice—Material facts. [Regulation 08.380, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-390 Presumptions. [Regulation 08.390, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-400 Stipulations and admissions of record. [Regulation 08.400, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-410 Form and content of decisions in contested cases. [Regulation 08.410, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-420 Definition of issues before hearing. [Regulation 08.420, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-430 Prehearing conference rule—Authorized. [Regulation 08.430, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-440 Prehearing conference rule—Record of conference action. [Regulation 08.440, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-450 Submission of documentary evidence in advance. [Regulation 08.450, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-460 Excerpts from documentary evidence. [Regulation 08.460, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation 08.470, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation 08.480, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Regulation 08.490, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 260-08-470 or 260-08-480. [Regulation 08.500, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-510 Continuances. [Regulation 08.510, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-520 Rules of evidence—Admissibility criteria. [Regulation 08.520, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation 08.530, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation 08.540, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-550 Petitions for rule making, amendment or repeal—Requisites. [Regulation 08.550, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-560 Petitions for rule making, amendment or repeal—Commission must consider. [Regulation 08.560, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. [Regulation 08.570, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-580 Declaratory rulings. [Regulation 08.580, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-590 Forms. [Regulation 08.590, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-600 Disclaimer of public liability. [Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-600, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-610 Public records—Officer. [Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-610, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-640 Exemptions. [Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-640, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-670 Proceedings before the commission—Application. [Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-670, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-680 Proceedings—Notice. [Statutory Authority: RCW 67.16.040, 93-24-016, § 260-08-680, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-690 Proceedings—Notice to limited English speaking parties. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-690, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-700 Computation of time. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-700, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-710 Continuances. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-710, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-720 Filing and service of papers. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-720, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-730 Subpoenas. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-730, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-740 Prehearing conference. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-740, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-750 Evidence. [Statutory Authority: RCW 67.16.040, 93-24-017, § 260-08-750, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-760 Testimony under oath or affirmation. [Statutory Authority: RCW 67.16.040, 93-24-018, § 260-08-760, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-770 Reporting-recording. [Statutory Authority: RCW 67.16.040, 93-24-018, § 260-08-770, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-780 Teleconference hearings. [Statutory Authority: RCW 67.16.040, 93-24-018, § 260-08-780, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-790 Cameras—Recording devices. [Statutory Authority: RCW 67.16.040, 93-24-018, § 260-08-790, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049,

- 260-08-800 filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
Presiding officer. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-800, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-810 Initial or final order. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-810, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-820 Petition for rule making—Form, content and filing. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-820, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-08-830 Consideration and disposition. [Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-830, filed 11/19/93, effective 12/20/93.] Repealed by 05-05-049, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-08-005 Horse racing commission—Composition—Duties. The horse racing commission, composed of five members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission also approves and regulates satellite locations and simulcasting, and licenses and regulates advance deposit wagering. The commission functions through periodic public meetings and where required, conducts hearings in accordance with this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-005, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.040. 93-24-019, § 260-08-005, filed 11/19/93, effective 12/20/93. § 260-08-005, filed 10/6/67.]

WAC 260-08-595 Role of the executive secretary. The horse racing commission will appoint an executive secretary who will act as the chief operating officer for the agency. As chief operating officer, the executive secretary will supervise and administer the activities of the commission staff. In addition, the executive secretary will:

- (1) Implement the policies and procedures, and enforce the rules of the commission.
- (2) Oversee the administrative details and day-to-day operation of the agency, including the achievement of performance goals and objectives established by the commission and administer the agency's budget.
- (3) Act as the appointing authority for agency staff, including the authority to hire, promote, assign work, determine duty stations, evaluate, take corrective action, and, where appropriate terminate staff.
- (4) Make an initial agency determination of a violation of the rules in this title except during the live race meet where the rule provides that the board of stewards makes the initial agency determination. In the absence of the board of stewards, the executive secretary has the authority to make an initial agency determination.
 - (a) If an applicant or licensee disagrees with the decision of the executive secretary, he or she may challenge the decision by requesting a hearing before the commission as provided in WAC 260-08-675.

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(b) The executive secretary may refer any matter directly to the commission for hearing on violations of chapters 67.16 and 67.17 RCW or of rules in this title or to enforce compliance with a penalty.

(5) Enter into contracts and agreements on behalf of the commission; and

(6) Exercise such other management oversight, decision-making and administrative action necessary to achieve agency mission and goals.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-08-595, filed 3/13/08, effective 4/13/08. Statutory Authority: RCW 67.16.020. 03-03-041, § 260-08-595, filed 1/10/03, effective 2/10/03.]

WAC 260-08-597 Funding to assist the equine industry. (1) If the commission determines that there are additional funds in its operating account beyond what is needed to fund the continued operations of the commission, the commission may designate up to three hundred thousand dollars of those funds to be used to assist the equine industry. Funds used to assist the equine industry may only be used to help develop the equine industry, maintain or upgrade racing facilities, or assist equine health research. In deciding how to allocate the funds available, the commission will give first consideration to uses that assist the Class C race meets and equine health research. The commission will establish a process for individuals or organizations to request funds.

(2) Available funds may be allocated to fund requests from individuals or organizations, or programs the commission determines support the purposes specified in subsection (1) of this section.

(3) The commission has discretion to determine the amount of funding available, identify the programs for which funding will be provided, the amount of funding for each program, and the procedures for distributing funds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-15-090, § 260-08-597, filed 7/14/06, effective 8/14/06.]

WAC 260-08-620 Requests for public records. Persons requesting opportunity to copy or inspect the commission's public records shall follow these procedures:

- (1) All requests to copy or inspect public records shall be made in writing.
 - (2) All requests shall be submitted by mail, including e-mail, or personally to the commission's main office.
 - (3) Each request shall include the following information:
 - (a) The name of the person or persons making the request.
 - (b) The calendar date on which the request is made.
 - (c) The nature of the request, including description of the requested records by title, subject matter, date and other means of enabling the staff of the commission to identify the requested records and make them available.

(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material requested.

(4) The staff of the commission shall assist any person making a request in identifying the requested record or records, and return the request for resubmission with additional description of the requested records.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-620, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-620, filed 11/19/93, effective 12/20/93.]

WAC 260-08-630 Copying fees. No fee shall be charged for the inspection of public records. The commission may charge a fee per page, as provided in RCW 42.17.300 for providing copies of public records and for use of the office's copy equipment, plus postage at actual cost if the records are mailed. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-630, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-630, filed 11/19/93, effective 12/20/93.]

WAC 260-08-650 Review of denials of public records. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the commission's main office. The written request shall specifically refer to the written statement by the staff member, which constituted or accompanied the denial and must be made in writing prior to the end of the second business day following the denial.

(2) After receiving a written request for review of a decision denying a public record, the staff member denying the request shall refer it to the executive secretary or his or her designee. The executive secretary or designee shall immediately consider the matter and either affirm or reverse such denial, in whole or in part, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive secretary or his or her designee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-650, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-650, filed 11/19/93, effective 12/20/93.]

WAC 260-08-660 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the commission.

(2) Original copies of public records shall not be removed from premises where maintained by the office.

(3) Care and safekeeping of public records of the commission, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Persons requesting, inspecting, or copying public records shall not disrupt the commission office.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-660, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-660, filed 11/19/93, effective 12/20/93.]

WAC 260-08-671 Adoption of rules of procedure—Model rules. The commission adopts the model rules of procedure as set forth in chapter 10-08 WAC. If there is a conflict between the model rules and this chapter, the rules in this

chapter shall govern. Whenever the term "agency" appears in the model rules it means the Washington horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-671, filed 2/14/05, effective 3/17/05.]

WAC 260-08-673 Presiding officer—Who may preside. Pursuant to RCW 34.05.425, the presiding officer in a commission hearing shall be the chair of the commission, or other commission member designated by the chair. In proceedings in which the chair or other designee is the presiding officer, the commission shall make the final decision and enter the final order.

In the alternative, the commission may designate that the presiding officer shall be one or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

The administrative law judge shall conduct the proceeding and enter an initial order. The initial order shall be subject to review by the commission as provided in RCW 34.05.464.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-673, filed 2/14/05, effective 3/17/05.]

WAC 260-08-675 Hearing before the commission. Any person against whom a ruling is made by the stewards or the executive secretary may request a hearing before the commission to challenge the ruling. However, a decision by the stewards concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' or executive secretary's ruling.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW, Administrative Procedure Act, and chapter 260-08 WAC, Practice and procedure.

(4) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(5) All communications to the commission with respect to a stewards' or executive secretary's ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-08-675, filed 3/13/08, effective 4/13/08; 05-05-049, § 260-08-675, filed 2/14/05, effective 3/17/05.]

WAC 260-08-677 Exhaustion of administrative remedies. A person may file a petition for judicial review only after exhausting all administrative remedies available within the commission, pursuant to RCW 34.05.534. Administrative remedies at the WHRC consist of commission hearings.

The court may relieve a petitioner of the requirements to exhaust any or all administrative remedies upon a showing that:

- (1) The remedies would be patently inadequate;
- (2) The exhaustion would be futile; or
- (3) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-049, § 260-08-677, filed 2/14/05, effective 3/17/05.]

Chapter 260-12 WAC GENERAL RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-12-030 | Rules limited to Washington. [Rules of racing, § 4, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-060 | Application does not commit commission. [Rules of racing, § 7, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-090 | Amendment, etc., of rules. [Rules of racing, § 10, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-130 | Participants, patrons, bound by rules. [Rules of racing, § 14, filed 4/21/61.] Repealed by 07-01-053, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020. Later promulgation, see WAC 260-12-145. |
| 260-12-140 | Owners, etc., bound by rules. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-12-140, filed 3/24/81; Rules of racing, § 15, filed 4/21/61.] Repealed by 07-01-053, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020. Later promulgation, see WAC 260-12-145. |
| 260-12-160 | Denial of admission to grounds—Narcotics offenders. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-12-160, filed 12/17/79; Rules of racing, § 19, filed 4/21/61.] Repealed by 05-14-058, filed 6/29/05, effective 7/30/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-170 | Eligibility of horses of suspended person. [Rules of racing, § 20, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |

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| 260-12-190 | Racing hours. [Order 73.8, § 260-12-190, filed 10/23/73; Rules of racing, § 321, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-200 | Number of races per day. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-12-200, filed 3/9/82; Rules of racing, § 322, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-12-240 | Commission to approve distribution of passes, etc. [Rules of racing, § 327, filed 4/21/61.] Repealed by 07-11-114, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-12-001 Intent. The rules adopted by the Washington horse racing commission will be known as the "rules of racing." They have been compiled with the intent to promote integrity in racing and to encourage the breeding and ownership of horses in this state.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-001, filed 5/18/07, effective 6/18/07; Rules of racing, Promulgation, filed 4/21/61.]

WAC 260-12-010 Definitions. The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent." A person appointed by a written document signed by the owner with authority to act for the owner.

(7) "Association." Any person or persons, associations, or corporations licensed by the commission to conduct parimutuel wagering on a race meet.

(8) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

(9) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(10) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

(11) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

(12) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

(13) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

(14) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(15) "Claiming." The act of buying a horse out of a race for a specific price.

(16) "Claim box." A box in a specified location where a claim must be deposited to be valid.

(17) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

(18) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

(19) "Clocker." An official that times horses when horses are performing an official workout.

(20) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

(21) "Colt." Male horse under the age of five.

(22) "Commission."

(a) The five-member commission established by RCW 67.16.012; or

(b) The state agency known as the Washington horse racing commission.

(23) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

(24) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

(25) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

(26) "Dead heat." Two or more horses in an exact tie at the finish line.

(27) "Denial." The refusal to grant an applicant a license after the applicant has made application for a license, but prior to the individual performing the duties associated with the license.

(28) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

(29) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

(30) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

(31) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(32) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

(33) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising.

(34) "Field." The total horses scheduled to run in a race.

(35) "Filly." A female horse four years and younger.

(36) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

(37) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

(38) "Furosemide." Generic term for a medication used for the treatment of bleeders.

(39) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

(40) "Gelding." A male horse that has been castrated.

(41) "Groom." A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

(42) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

(43) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

(44) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

(45) "Intact male." Any male horse, colt, or ridgling.

(46) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

(47) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

(48) "Jockey fee." The money paid to a jockey for riding in a race.

(49) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

(50) "Mare." A female horse five years old or older.

(51) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

(52) "Morning line." A handicapper's approximate odds quoted in the program.

(53) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

(54) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

(55) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

(56) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

(57) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

(58) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

(59) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

(60) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

(61) "Overnight race." A contest for which entries close at a time set by the racing secretary.

(62) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

(63) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

(64) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

(65) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

(66) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

(67) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

(68) "Pick n." A type of wager requiring the patron to select the winners of a specified number of consecutive races.

(69) "Pick three." A type of wager requiring the patron to select the winners of three consecutive races.

(70) "Place." To finish second in a race.

(71) "Poles." Markers positioned around the track indicating the distance to the finish line.

(72) "Post." The starting position on the track.

(73) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

(74) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

(75) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

(76) "Purse." The amount of prize money offered by the racing association for each race.

(77) "Protest." A complaint filed regarding a horse running in a race that is filed in writing with the board of stewards.

(78) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

(79) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

(80) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

(81) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

(82) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

(83) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

(84) "Revocation." The cancellation of an existing license for a minimum of twelve months and up to an indefinite period of time (e.g., life-time). Individuals revoked are ineligible to reapply for a license during the period of revocation. Individuals revoked are banned from all facilities under the jurisdiction of the commission during the period of their revocation.

(85) "Ridgling." A male horse with one or both testicles undescended.

(86) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

(87) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

(88) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

(89) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

(90) "Show." To finish third in a race.

(91) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

(92) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

(93) "Stallion." A male horse or colt which can be used for breeding purposes.

(94) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

(95) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

(96) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

(97) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

(98) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

(99) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

(100) "Suspension." The cancellation of license privileges for a set amount of time (not to exceed three hundred sixty-five days), or until specific conditions are met. All suspensions for a specific period of time will be in calendar days. Individuals suspended may reapply for a license at the end of their suspensions. Individuals applying for a license in the same race year are not required to pay license fees. Individuals suspended may be banned from all facilities under the

jurisdiction of the commission during the period of their suspension.

(101) "Test barn." The enclosure to which selected horses are taken for post race testing.

(102) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

(103) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

(104) "Turf course." A racing surface comprised of grass.

(105) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

(106) "Walk over." A race that has only one participant.

(107) "Washington bred." A horse that was foaled in the state of Washington.

(108) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

(109) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

(110) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

(111) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-03-044, § 260-12-010, filed 1/10/08, effective 2/10/08; 07-11-114, § 260-12-010, filed 5/18/07, effective 6/18/07; 81-15-034 (Order 81-06), § 260-12-010, filed 7/10/81; 81-08-013 (Order 81-01), § 260-12-010, filed 3/24/81; Rules of racing, Rule 1.22(22), filed 8/23/66; Rules of racing, §§ 1-1.47, filed 4/21/61; subsection (12) amended, filed 3/11/65; subsection (14) amended, filed 8/26/65.]

WAC 260-12-020 To whom rules apply. (1) The rules of racing apply to all persons, associations, partnerships, or corporations holding or conducting a race meet within the state of Washington where the parimutuel wagering system is used.

(2) These rules also apply to any participant in, or patron of, any race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-020, filed 5/18/07, effective 6/18/07; Rules of racing, §§ 2, 3, filed 4/21/61.]

WAC 260-12-040 Every license is conditioned on licensee enforcing and observing the rules of racing. Every license to hold a race meet is granted upon the condition that the licensee will accept, observe, and enforce the rules of racing. It is the duty of each officer, director, and every official and employee of the licensee to comply with the rules of racing and to report violations to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-040, filed 5/18/07, effective 6/18/07; Rules of racing, § 5, filed 4/21/61.]

WAC 260-12-050 When are race dates required to be submitted for approval? Racing associations must submit their proposed live race dates to the executive secretary by February 1st of each year. The commission will consider and

determine whether to approve the dates at the next regularly scheduled commission meeting. The commission may extend, reduce or otherwise modify the race dates.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-050, filed 5/18/07, effective 6/18/07; 81-18-020 (Order 81-07), § 260-12-050, filed 8/25/81; Rules of racing, § 6, filed 4/21/61.]

WAC 260-12-070 The commission may refuse to issue license—Criteria. The commission may refuse to issue a license to conduct a race meet. The commission will consider the following factors in making its decision:

- (1) Opportunity for the sport to properly develop;
- (2) Avoidance of competition with established tracks;
- (3) Extent of community support for the promotion and continuance of the tracks;
- (4) The character and reputation of the individuals identified in the license application; and
- (5) Any other relevant factors.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-070, filed 5/18/07, effective 6/18/07; Rules of racing, § 8, filed 4/21/61.]

WAC 260-12-080 Assignment of license—Racing days. No license or any part of a license is transferable or assignable in any manner without the prior approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-080, filed 5/18/07, effective 6/18/07; Rules of racing, § 9, filed 4/21/61.]

WAC 260-12-100 Laws and rules supersede race conditions. The laws of Washington and the rules promulgated by the commission supersede the conditions of a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-100, filed 5/18/07, effective 6/18/07; Rules of racing, § 11, filed 4/21/61.]

WAC 260-12-110 Commission's right of entry. Members of the commission, its officials, and employees have the right of full and complete entry to any and all parts of the association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-110, filed 5/18/07, effective 6/18/07; Rules of racing, § 12, filed 4/21/61.]

WAC 260-12-115 Parimutuel equipment subject to approval. All equipment, used within the parimutuel department for the sale, calculation, display of odds, or cashing of tickets, is subject to the approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-115, filed 5/18/07, effective 6/18/07; Order 77.1, § 260-12-115, filed 4/22/77.]

WAC 260-12-120 Commission offices and personnel. Each association must provide within its grounds an office for the use of the commission, its officials and employees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-114, § 260-12-120, filed 5/18/07, effective 6/18/07; Rules of racing, § 13, filed 4/21/61.]

WAC 260-12-145 Persons bound by laws and rules. Any person on the grounds of any racing association or satellite location under the jurisdiction of the commission must comply with the laws of Washington and the rules promulgated by the commission.

[Statutory Authority: RCW 67.16.020, 07-01-053, § 260-12-145, filed 12/14/06, effective 1/14/07.]

WAC 260-12-150 Denial of admission to grounds—Suspended persons and horses. A person who is denied, suspended, or revoked by another recognized racing jurisdiction may not be admitted to the grounds of any racing association in Washington. A horse owned or trained by a person who is denied, suspended, or revoked may not be allowed on the grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-150, filed 5/18/07, effective 6/18/07; Rules of racing, § 18, filed 4/21/61.]

WAC 260-12-180 Safety equipment required. (1) When on association grounds, all persons on horseback must wear a securely fastened safety helmet that meets current standards for equipment designed and manufactured for use while riding horses as established by the American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI), the British Standards Institute (BSI) or similar organization.

(2) All persons on horseback must wear a securely fastened safety vest that is designed to provide shock-absorbing protection of:

(a) "Level 1," as defined by the 2000 British Equestrian Trade Association (BETA) Horse Rider's Body and Shoulder Protectors; or

(b) American Society for Testing and Materials/Safety Equipment Institute (ASTM/SEI) standard F1937-04 (Specification for Body Protectors Used in Horse Sports and Horseback Riding).

(3) All persons on horseback must wear equestrian footwear that covers the rider's ankle with a minimum of a 1/2 inch heel, except jockeys while riding in a race who must wear jockey boots as required by WAC 260-32-100.

This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-180, filed 5/18/07, effective 6/18/07; 06-07-067, § 260-12-180, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040, 01-01-035, § 260-12-180, filed 12/8/00, effective 1/8/01. Rules of racing, § 24, filed 4/21/61.]

WAC 260-12-210 Post time of first race. The commission will approve the post time of the first race of each race day for each licensed race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-210, filed 5/18/07, effective 6/18/07; Rules of racing, § 323, filed 4/21/61.]

WAC 260-12-220 Race conditions to be provided. Each association conducting racing in Washington must provide the stewards a copy of the conditions of races the association proposes to hold, together with the stakes schedule.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-220, filed 5/18/07, effective 6/18/07; Rules of racing, § 324, filed 4/21/61.]

WAC 260-12-230 Information to be filed before opening a race meet. No less than ten days before opening of

a race meet each association licensed to conduct a race in Washington must file with the commission:

(1) A financial statement of the association.

(2) A list of stockholders and the amount of stock held by each. Any change in the officers or stockholders, or in the holdings of any individual stockholder of an association must be reported to the commission immediately. This rule will apply during the entire term of any license granted by the commission.

The commission may require additional information in writing from the association, or it may ask the officers of any association to appear in person to provide additional information.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-230, filed 5/18/07, effective 6/18/07; Rules of racing, § 326, filed 4/21/61.]

WAC 260-12-235 Accepted conditions of race meeting. The association is obligated to conduct parimutuel racing, except in the case of emergencies, on each race date allocated. The commission must approve any change in race dates. In the case of emergencies the stewards may authorize cancellation of all or a portion of any race day.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-235, filed 5/18/07, effective 6/18/07; Order 75-1, § 260-12-235, filed 2/18/75.]

WAC 260-12-250 Problem gambling information sign must be posted. All Class A, B and C licensees, including satellite locations, must post problem and compulsive gambling informational signs, which contain a toll-free help line number in locations of their establishments. The informational signs must be clearly visible to patrons, and must remain posted whenever parimutuel wagering is authorized. The informational signs will be provided to the licensee by the horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-250, filed 5/18/07, effective 6/18/07; 05-17-084, § 260-12-250, filed 8/12/05, effective 9/12/05. Statutory Authority: RCW 67.16.040, 95-07-142, § 260-12-250, filed 3/22/95, effective 4/22/95.]

WAC 260-12-260 Disposition of Class C purse funds due to the cancellation of races. (1) In the event a Class C race meet cancels races (due to weather or the inability to fill races) the unused purse funds provided under RCW 67.16.-105 may, with approval, be used by the racing association to adjust purses for other races at the licensed race meet for which the purse funds were provided. If only one race is canceled per day, the stewards may approve an adjustment of purses. If more than one race is canceled, approval to adjust purses must come from the executive secretary.

(2) The racing association must return the unused purse funds if adjustment of purses is not appropriate (for example - only one race is held during the race meet).

(3) If the entire Class C race meet is canceled or if an adjustment to purses is not appropriate, all undistributed purse funds provided under RCW 67.16.105 must be returned to the commission within thirty days of cancellation of the race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-11-114, § 260-12-260, filed 5/18/07, effective 6/18/07.]

Chapter 260-13 WAC

CLASS A, B, AND C LICENSE—HORSE RACING FACILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-13-010 | Identification of applicant for Class A license. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-010, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-170 | Class A license criteria. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-170, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-020 | Applicant's affidavit. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-020, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-020, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-175 | Definition of "applicant." [Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-175, filed 8/5/92, effective 9/5/92.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-030 | Disclosure of ownership and control. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-030, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-180 | Identification of applicant for Class B license. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-180, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-040 | Disclosure of character information. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-040, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-190 | Applicant's affidavit. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-190, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-190, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-050 | Disclosure of improvements and equipment. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-050, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-200 | Disclosure of ownership and control. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-200, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-060 | Disclosure of development process. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-060, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-210 | Disclosure of character information. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-210, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-070 | Disclosure of financial resources. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-070, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-220 | Disclosure of improvements and equipment. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-220, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-080 | Disclosure of financial plan. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-080, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-230 | Disclosure of authorization to use horse racing facility. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-230, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-090 | Disclosure of governmental actions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-090, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. | 260-13-240 | Disclosure of financial resources. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-240, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-13-100 | Disclosure of management. [Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-100, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-100, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. | 260-13-250 | Disclosure of financial plan. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86- |

- 03), § 260-13-250, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-260 Disclosure of governmental actions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-260, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-270 Disclosure of management. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-270, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-280 Disclosure of public service. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-280, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-290 Disclosure of economic impact. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-290, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-300 Disclosure of public support and opposition. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-300, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-310 Effects on competition. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-310, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-320 Disclosure of assistance in preparation of application. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-320, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-330 Personal information and authorization for release. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-330, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-330, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-340 Class B license criteria. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-340, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-350 Class A and B license application disclosures. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-350, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-360 Class A and B license application submission. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-360, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-370 Investigation fee for Class A and B licenses. [Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-370, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-370, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-380 Clarification of Class A and B license application requirements. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-380, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-390 Changes in Class A and B license applications. [Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-390, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-390, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-400 Deadlines for submission of Class A and B license applications. [Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-400, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-400, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-410 Oral presentation by applicant for a Class A or B license. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-410, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-420 Payment of Class A and B license fees. [Statutory Authority: RCW 67.16.020. 03-11-015, § 260-13-420, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-420, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-430 Class A and B license application information. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-430, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-440 Delay in completion of racetrack facility. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-440, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-450 Construction, expansion, extension, alteration, or remodeling of facilities. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-450, filed 6/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-460 Identification of applicant for Class C license. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-460, filed 10/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-470 Applicant's affidavit. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-470, filed 10/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-480 Other requirements for Class C license. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-480, filed 10/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-13-490 Class C license criteria. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-490, filed 10/16/86.] Repealed by 08-17-050, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-13-500 Purpose. The commission is authorized in chapter 67.16 RCW to license, regulate, and supervise all race meets held in this state. The purpose of this chapter is to establish procedures for persons or entities to apply for a license to own and/or operate a horse racing facility in this state where parimutuel wagering is conducted. Every person or entity making application for a Class A, B, or C license to hold a race meet must comply with the provisions of this chapter and the applicable provisions of chapter 67.16 RCW. This chapter does not apply to an existing Class A, B, or C licensee required to submit an application for race dates and other information on its race meet, as may be required in chapter 260-20 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-500, filed 8/14/08, effective 9/14/08.]

WAC 260-13-505 Definitions. The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) Class A license is a license to own and operate a horse racing facility where parimutuel wagering is conducted. A Class A license is granted to the licensee who has complete control over all aspects of ownership and operation of the horse racing facility.

(2) Class B license is a license to operate a horse racing facility where parimutuel wagering is conducted. A Class B license is granted to a licensee who has complete control over all aspects of operating the horse racing facility but does not retain ownership of the facility.

(3) Class C license is a license to operate a nonprofit horse racing facility where parimutuel wagering is conducted. A Class C license is granted to the licensee who has complete control over all aspects of operating a nonprofit horse racing facility.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-505, filed 8/14/08, effective 9/14/08.]

WAC 260-13-510 Application for Class A, B, or C license—Affidavit of the applicant. An application for a Class A, B, or C license must include an affidavit of the applicant or the applicant's agent setting forth the following:

- (1) The class of license being applied for;
- (2) If the applicant is an individual, his/her legal name and the legal name of his/her spouse and dates of birth, telephone number(s) and address(es);
- (3) If applicable, the name, address, and telephone number of the person representing the applicant and that the person is authorized to make application on the applicant's behalf. Documented proof of authority must be attached to the affidavit;
- (4) If the applicant is a corporation:
 - (a) The name of the corporation;
 - (b) The date and place of incorporation;
 - (c) The names, dates of birth and addresses of directors and officers who are natural persons;
 - (d) The names and addresses of its shareholders:
 - (i) If a shareholder is a corporation, then the name and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers;
 - (ii) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection will be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;
 - (iii) If the applicant is a general or limited partnership, the names, dates of birth, and addresses of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;
- (5) A statement that the applicant for license accepts that at all times, the burden of proving the applicant's qualification for license rests with the applicant;
- (6) A statement that the applicant consents to inquiries by the state of Washington, the commission, its employees, staff and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations;
- (7) A statement that the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of

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adverse public notice, or circumstances, including financial loss, which may result from actions by the state of Washington, the commission, its employees, staff and agents and expressly waive any claim which otherwise could be made against the state of Washington, the commission, its employees, staff and agents;

(8) A statement that the information contained in the application is true and complete and that any false, incomplete, misleading information may be grounds for denial of the application or fine, suspension or revocation of existing license; and

(9) A statement that the applicant will comply with chapter 67.16 RCW and Title 260 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-510, filed 8/14/08, effective 9/14/08.]

WAC 260-13-515 Application for Class A, B, or C license—Additional requirements. (1) As part of the application process, the commission has the right to require fingerprints from those persons the commission determines necessary to ensure those persons suitable for horse racing are granted a license to own and/or operate a racing facility where parimutuel wagering is conducted.

(2) The commission has the right to require additional information as part of the license application process.

(3) The applicant will provide ten copies of the application including all attachments and other documents required in this chapter. All ten copies of the application must be in printed or typewritten form on 8-1/2 by 11 inch paper. Immediately preceding each response, an applicant must restate the information requested. Any attachments or exhibits must be lettered or numbered separately. An applicant must provide photographs of any three-dimensional exhibits.

(4) Deadlines for submission of a license application may be specified by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-515, filed 8/14/08, effective 9/14/08.]

WAC 260-13-520 Disclosure of ownership and/or control. An application for a Class A, B, or C license must disclose the following:

(1) The organizational structure of the applicant, whether individual business, corporation, nonprofit corporation, partnership, joint venture, trust, association, or other;

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years;

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant;

(b) The jurisdiction and date of incorporation;

(c) The date the applicant began doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington;

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years;

(e) The general nature of the applicant's business;

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(f) Whether the applicant is publicly held as defined by the rules and regulations of the Securities and Exchange Commission;

(g) The classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed;

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted;

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed;

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. For each holder of shares or units, the number and class or type of shares or units must be disclosed;

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and Securities and Exchange Commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the Securities and Exchange Commission;

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met and a copy of most recent registration statement filed with the securities regulator in that jurisdiction; and

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filings with the Washington department of financial institutions securities division during the past five years;

(4) If the applicant is an organization other than a corporation or an individual:

(a) The applicant's full name and any trade names currently used by the applicant;

(b) The jurisdiction of organization of the applicant;

(c) The date the applicant commenced doing business in Washington;

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years;

(e) The general nature of the applicant's business;

(f) The names, in alphabetical order, address and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent

of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant; and

(g) The names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest;

(5) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control;

(6) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership or operation of applicant's horse racing facility, and copies of any written agreements;

(7) Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements; and

(8) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-520, filed 8/14/08, effective 9/14/08.]

WAC 260-13-530 Disclosure of character information. An applicant for a Class A, B, or C license must disclose whether the applicant or any individual or other entity identified in the application has:

(1) Ever been charged in a criminal proceeding with a misdemeanor, gross misdemeanor or felony. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Ever been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the date of commencement of the proceeding, court, circumstances, date of decision or other resolution, and result.

(3) Ever had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the circumstances, date, and the result of the decision.

(4) Ever been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling.

If so, the applicant must disclose the circumstances, date, and the result of the decision.

(6) Ever been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the circumstances, date, and the result of the decision.

(7) Ever failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Ever been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the circumstances, date, and the result of the decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-530, filed 8/14/08, effective 9/14/08.]

WAC 260-13-540 Description of facilities. An applicant for Class A, B, or C license, at the time of application, will provide the commission a detailed description, floor plans and site plans of the horse racing facility. At a minimum, the description must include the following:

(1) The address of the facility, its size, and geographical location, including reference to county and municipal boundaries;

(2) A site map showing current and proposed highways and streets adjacent to the facility;

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other or combination thereof;

(4) The racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each;

(5) A description of horse stalls at the facility, including the dimensions of stalls, separation, location, and total number of stalls;

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand; the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand;

(7) A description of the receiving and test barns, giving distance from these barns to the track and paddock. In addition, the number of sampling stalls, placement of viewing ports on each stall, number of wash stalls with hot and cold water and drains, availability of video monitors and a description of the walking ring;

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services;

(9) A description of the jockeys' and/or drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock;

(10) A description of the parimutuel system, giving approximate location of bettors' windows and cash security

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areas, and a description of the equipment, including the provider if known;

(11) A description of the parking, showing access to parking from surrounding streets and highways, number of parking spaces available, and distinguishing between public and other. Include a description of the road surface on parking areas and the distance between parking and the grandstand, and a map of the area showing the relationship of parking to surrounding streets and highways;

(12) A description of the height, type of construction, and materials of perimeter fence;

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known;

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known;

(15) A description of work areas for the commission employees, including location, square footage, telephones and other electronic access points;

(16) A description of access of the facility to public transportation, specifics of the types of transportation and schedules, road maps of area indicating pick-up and drop-off points; and

(17) The manner the proposed wagering (including simulcast if applicable) system will operate and the regular hours of operation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-540, filed 8/14/08, effective 9/14/08.]

WAC 260-13-550 Disclosure of development process.

An applicant for Class A, B, or C license, at the time of application, will disclose to the commission its development process, if any, which must include the following:

(1) The total cost of construction, renovation or repairs of the facility, distinguishing between fixed costs and projections;

(2) Identification of the following costs, distinguishing between fixed costs and projections:

(a) Facility design;

(b) Land acquisition;

(c) Site preparation;

(d) Improvements and equipment, separately identifying the costs of improvements and equipment;

(e) Interim financing;

(f) Permanent financing; and

(g) Organization, administrative, accounting, and legal;

(3) Documentation of fixed costs;

(4) The schedule for construction of the facility, including estimated completion date;

(5) Schematic drawings;

(6) Copies of any contracts with and performance bonds from the:

(a) Architect or other design professional;

(b) Project engineer;

(c) Construction engineer;

(d) Contractors and subcontractors; and

(e) Equipment procurement personnel; and

(7) Whether the site has been acquired or leased by the applicant. If the site has been acquired by the applicant, documented proof of the acquisition must be provided. If the site

is leased, the applicant must disclose what actions the applicant must take in order to use the site and provide a copy of the lease.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-550, filed 8/14/08, effective 9/14/08.]

WAC 260-13-560 Disclosure of financial resources.

An applicant for a Class A, B, or C license must disclose the following:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity;

(2) For a Class A license the equity and debt sources of funds to develop, own, and operate the facility. For a Class B or C license the equity and debt sources of funds to operate the facility:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-560, filed 8/14/08, effective 9/14/08.]

WAC 260-13-570 Disclosure of financial plan.

An applicant for a Class A, B, or C license must disclose its financial plan. For a Class A license this must include the financial projections for the development period and each of the first five racing years. For a Class B or C license this must include the financial projections for the first three racing years. For all licenses the financial plan must include separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of races and types of betting applicant estimates each year. The financial plan must include:

(1) The following assumptions and support for them:

- (a) The average daily attendance;
- (b) Average daily handle;
- (c) Retention (RCW 67.16.170 and 67.16.175);
- (d) Admission revenue and admission fees;
- (e) Parking volume, fees, and revenues;
- (f) Concessions, gift shop, and program sales;
- (g) Cost of purses;
- (h) Parimutuel system expense;
- (i) State taxes;
- (j) Real estate taxes;
- (k) Washington-bred breeder awards (Class A and B only);

(l) Washington-bred owner's bonuses (Class A and B only);

(m) Class C purse funds (Class A and B only);

(n) Parimutuel tax (Class A and B only);

(o) Payroll;

(p) Operating supplies and services;

(q) Utilities;

(r) Repairs and maintenance;

(s) Insurance;

(t) Membership expense;

(u) Security expense;

(v) Legal and audit expense;

(w) Debt service; and

(x) Federal taxes;

(2) The following profit and loss elements:

(a) Total revenue, including projected revenues from retention and breakage, admissions, parking, and concessions, gift, and program operations;

(b) Total operating expenses, including anticipated expenses for:

(i) Purses;

(ii) Parimutuel system;

(iii) Sales tax;

(iv) Parimutuel tax (Class A and B only);

(v) Real estate tax;

(vi) Admissions tax;

(vii) Washington-bred breeder awards (Class A and B only);

(viii) Washington-bred owner's bonuses (Class A and B only);

(ix) Class C purse fund (Class A and B only);

(x) Special assessments;

(xi) Cost of concession goods, gifts, and programs;

(xii) Advertising and promotion;

(xiii) Payroll;

(xiv) Operating supplies and service;

(xv) Maintenance and repairs;

(xvi) Insurance;

(xvii) Security;

(xviii) Legal and audit; and

(xix) Federal and state income taxes;

(c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;

(3) Projected cash flow, including assessment of:

(a) Income, including equity contributions, debt contributions, interest income, operating revenue; and

(b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and

(4) Projected balance sheets as of the end of the development, renovation or repair period and each of the five racing years for Class A license applicant or the first three racing years for Class B or C license applicant, setting forth:

(a) Current, fixed, and other noncurrent assets;

(b) Current and long-term liabilities; and

(c) Capital accounts.

The applicant must also provide an accountant's report supporting the financial projections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-570, filed 8/14/08, effective 9/14/08.]

WAC 260-13-580 Disclosure of governmental actions. An applicant for a Class A, B, or C license must disclose actions of government agencies, which include:

(1) The street and highway improvements necessary to ensure adequate access to applicant's facility, and the cost of improvements, status, likelihood of completion, and estimated date.

(2) The sewer, water, and other public utility improvements necessary to serve applicant's facility, and the cost of improvements, status, likelihood of completion, and estimated date.

(3) If applicant has obtained any required government approvals for its development, ownership, and operation of its horse racing facility:

(a) A description of the approval, unit of government, date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(4) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(5) Whether an environmental assessment of the facility has been or will be prepared. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any assessment.

(6) Whether an environmental impact statement is required for applicant's facility. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any statement.

(7) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the development, ownership, and/or operation of its horse racing facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-580, filed 8/14/08, effective 9/14/08.]

WAC 260-13-590 Disclosure of management. An applicant for a Class A, B, or C license must disclose the following regarding development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel, including the following:

(a) Legal name, aliases, and previous names;

(b) Current residence and business addresses and telephone numbers;

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(3) Consultants and other contractors who have provided or will provide management-related services to applicant, including the following:

(a) Full name;

(b) Current address and telephone number;

(c) Nature of services;

(d) Qualifications and experience; and

(e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants in horse racing organizations;

(5) Description of the applicant's security plan, including:

(a) Number of security personnel used by the applicant during a race meet, security staff levels during live racing, and at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses, horsemen's bookkeeper, and cash room;

(c) Description of video monitoring equipment and its use;

(d) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(e) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(10) A description of the applicant's plan for purses, including total purses, formula, minimum purse, stakes races, and purse handling procedures;

(11) A description of the applicant's plan for parimutuel betting, including, windows, selling machines and clerks; and accounting procedures, including its proposed system of internal audit and supervisory controls;

(12) Its plan for promoting the orderly growth of horse racing in Washington;

(13) A description of the impact of its horse racing facility, including:

(a) The effects of its ownership and/or operation of its horse racing facility on competitors within the horse racing industry. This disclosure must analyze the impact on all other existing race tracks in Washington at the time and when the racing dates are projected to commence;

(b) Economic impact, including:

(i) Employment created and specifics as to number of jobs, whether permanent or temporary, type of work, compensation, employer, and how created;

(ii) Purchases of goods and services and specifics as to money amounts and types of purchases;

(iii) Public and private investment; and

(iv) Tax revenues generated;

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(c) Ecological impact; and

(d) Impact on energy conservation and development of alternative energy sources;

(14) Describe public support and opposition, whether by a governmental official or agency or private individual or group including any applicable documentation; and

(15) Provide the names, addresses, and telephone numbers of individuals who assisted the applicant in preparation of its application and describe each person's role in preparing the application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-590, filed 8/14/08, effective 9/14/08.]

WAC 260-13-600 Licensing criteria—Class A, B, or C license. The commission may deny a Class A, B, or C license to conduct a race meet when, in its judgment, a denial of a license appears to be in the best interest of horse racing and/or the public.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-600, filed 8/14/08, effective 9/14/08.]

WAC 260-13-610 Application fee—Class A, B, and C license. (1) An applicant for a Class A or B license must submit to the executive secretary at the time of application a certified check or bank draft to the order of the state of Washington in the amount of fifty thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund to the applicant any amount by which the fifty thousand dollars exceeds the actual costs of investigation. If costs of the investigation exceed fifty thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed, the commission will suspend all further action or investigation on the application until receipt of all moneys due and owing. The commission may, at its discretion, require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one fifty thousand dollar investigation fee.

(2) An applicant for a Class C license is not required to pay an investigation fee set forth in subsection (1) of this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-610, filed 8/14/08, effective 9/14/08.]

WAC 260-13-620 Application requirements—Executive secretary's designee. The executive secretary must designate an individual who will clarify Class A, B, and C license application requirements upon the oral or written request of a potential or actual applicant. The designee must respond to clarification requests in writing within five business days. No interpretation of application requirements by any other person will be binding upon the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-620, filed 8/14/08, effective 9/14/08.]

WAC 260-13-630 Amendments to a license application. The commission may only consider a substantive

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amendment to a license application after its submission if such amendment is made at the direction of the commission and/or is deemed by the commission to be in the best interests of the horse racing industry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-630, filed 8/14/08, effective 9/14/08.]

WAC 260-13-640 Application for license—Opportunity for oral presentation. The commission will provide an applicant for a license an opportunity to make an oral presentation of its application to the commission before the commission decides whether to issue a license. The commission is not required to provide an applicant more than one opportunity to make an oral presentation before the commission makes its decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-640, filed 8/14/08, effective 9/14/08.]

WAC 260-13-650 License fee—Class A, B, and C license. (1) A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Washington equal to two hundred dollars times the number of racing days requested in the license application and is void if the license fee is not received within ten days after issuance. The commission must refund to the licensee the amount by which the fee paid exceeds two hundred dollars times the number of actual days of racing.

(2) A Class C license applicant must pay its daily licensing fee required in RCW 67.16.130(1) at the end of its race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-050, § 260-13-650, filed 8/14/08, effective 9/14/08.]

Chapter 260-14 WAC

RULES RELATING TO COMMISSIONERS AND COMMISSION EMPLOYEES

WAC

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| 260-14-010 | Definitions. |
| 260-14-020 | Prohibited acts. |
| 260-14-030 | Ownership interest in associations. |
| 260-14-040 | Wagering. |
| 260-14-050 | Ownership interests in race horses. |
| 260-14-060 | Performance of compensated services on behalf of associations prohibited. |
| 260-14-070 | Violations. |

WAC 260-14-010 Definitions. The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Commissioner." A member of the Washington state horse racing commission.

(2) "Employee." Any full or part time employee of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-010, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-05-090, § 260-14-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 83-19-054 (Order 83-04), § 260-14-010, filed 9/19/83; Order 73.3, § 260-14-010, filed 6/28/73.]

WAC 260-14-020 Prohibited acts. No commissioner or employee may accept any thing of economic value, as

defined in chapter 42.52 RCW, from any applicant, licensee, or association except as allowed by law.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-020, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-020, filed 6/28/73.]

WAC 260-14-030 Ownership interest in associations.

No commissioner or employee may have any ownership interest in any association which seeks race meet dates.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-030, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-030, filed 6/28/73.]

WAC 260-14-040 Wagering. A commissioner, employee, or the spouse of a commissioner or employee may not make any wager as follows:

(1) On the outcome of any race at a facility under the jurisdiction of the commission;

(2) With an authorized advanced deposit wagering service provider licensed by the commission; or

(3) On the outcome of any horse race at a race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-040, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-14-040, filed 10/18/04, effective 11/18/04; Order 73.3, § 260-14-040, filed 6/28/73.]

WAC 260-14-050 Ownership interests in race horses.

No commissioner or employee may have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-050, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. 04-19-046, § 260-14-050, filed 9/13/04, effective 10/14/04; Order 75.2, § 260-14-050, filed 4/17/75; Order 73.3, § 260-14-050, filed 6/28/73.]

WAC 260-14-060 Performance of compensated services on behalf of associations prohibited. No commissioner or employee of the commission may receive any compensation whatsoever from an association for any services performed for or on behalf of an association or performed during a race meet for which he or she is employed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-060, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-060, filed 6/28/73.]

WAC 260-14-070 Violations. (1) Any violation of any of the rules in this chapter by any commissioner will be considered official misconduct and will be reported by the executive secretary to the governor.

(2) Any violation by any employee will be considered misconduct and will be grounds for discipline, including termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-15-042, § 260-14-070, filed 7/13/07, effective 8/13/07; Order 73.3, § 260-14-070, filed 6/28/73.]

(2009 Ed.)

Chapter 260-16 WAC WASHINGTON-BRED HORSES

WAC

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| 260-16-040 | Washington-bred horses. |
| 260-16-050 | Certification of Washington-bred horses. |
| 260-16-065 | Washington-bred owner's bonus and breeder's award distribution formula. |
| 260-16-075 | Nonprofit race meets exempt from the requirement to collect and distribute owner's bonus and breeder's awards. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-16-010 | Harness racing. [Rules of racing, § 29, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-020 | Quarter horse racing. [Rules of racing, § 30, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-030 | Produce races. [Rules of racing, §§ 207, 208, 209, filed 4/21/61.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-060 | Certification of Washington-bred horses—Thoroughbreds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-060, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-070 | Racing commission funds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-070, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-080 | Certification of Washington-bred horses—Standardbreds. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-080, filed 10/16/86.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-16-090 | Arabian horses—Certification. [Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-16-090, filed 2/24/88.] Repealed by 07-13-052, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-16-040 Washington-bred horses. (1) To encourage the breeding of horses in the state of Washington, at least one race per race day at Class A, B, and C race meets, whether advertised or not, shall consist exclusively of Washington-bred horses. (RCW 67.16.070)

(2) Only horses certified as Washington-bred, are eligible to run in a Washington-bred only race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-040, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-040, filed 10/16/86; Rules of racing, § 320, filed 4/21/61.]

WAC 260-16-050 Certification of Washington-bred horses. (1) For purposes of the distribution of the owner's bonus and breeder's awards, a Washington-bred horse is one that meets the following requirements:

(a) The horse was foaled within the boundaries of the state of Washington; and

(b) The horse is certified as Washington-bred for its breed or issued a certificate of foal registration by the respective organization listed in subsection (2) of this section.

(2) The following associations are recognized by the commission for the purpose of certification of their respective breed as Washington-bred horses:

- (a) The Jockey Club for thoroughbreds;
- (b) The American Quarter Horse Association, for quarter horses;
- (c) The Appaloosa Horse Club, for appaloosas;
- (d) The Arabian Horse Association, for Arabian horses; and
- (e) The American Paint Horse Association, for paint horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-050, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-050, filed 10/16/86.]

WAC 260-16-065 Washington-bred owner's bonus and breeder's award distribution formula. (1) The one percent Washington-bred owner's bonus funds collected from each racing association must be paid in accordance with RCW 67.16.102 by the commission at the end of the race meet to the licensed owners of Washington-bred horses finishing first, second, third and fourth in the racing association's race meet. The formula for the equitable distribution of the one percent Washington-bred owner's bonus funds will be as follows:

(a) Calculate the payment factor by dividing the total Washington-bred owner's bonus funds collected at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing first, second, third, and fourth in the race meet.

(b) Multiply the winnings (earnings) of each Washington-bred owner by the payment factor to determine the amount of the Washington-bred owner's bonus to be paid to the owner.

(2) The Washington-bred breeder's award funds must be collected by the Class A or B racing association as required in RCW 67.16.175, and will be distributed by the commission. The award funds must be paid to the breeder of record of Washington-bred horses finishing first, second, and third in the racing association's race meet. The formula for the distribution of the breeder's awards at each Class A or B racing association will be as follows:

(a) Seventy-five percent of the breeder's award funds will be allocated to those Washington-bred horses finishing first. To calculate the payment factor for first place Washington-bred horses, divide the total Washington-bred breeder award fund allocated to first place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing first at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(b) Fifteen percent of the breeder's award funds will be allocated to those Washington-bred horses finishing second. To calculate the payment factor for second place Washington-bred horses, divide the total Washington-bred breeder award fund allocated to second place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing second at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(c) Ten percent of the breeder's award funds will be allocated to those Washington-bred horses finishing third. To calculate the payment factor for third place Washington-bred horses, divide the total Washington-bred breeder award fund allocated to third place finishers at the race meet by the total amount of winnings (earnings) of the Washington-bred horses finishing third at the race meet. Multiply the winnings (earnings) of each Washington-bred breeder by the payment factor to determine the amount of the Washington-bred breeder's award to be paid to the breeder of record.

(d) The racing association is not required to include any interest or other financial benefit earned during the collection of the breeder's award.

(3) Owner's bonus and breeder's awards must be distributed within ninety days after the end of the race meet at which they were generated. Any owner's bonus or breeder's award that cannot be delivered to the rightful recipient within the time frames in chapter 63.29 RCW will be forwarded to the department of revenue as unclaimed property as required in chapter 63.29 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-065, filed 6/15/07, effective 7/16/07. Statutory Authority: RCW 67.16.020 and 67.16.102. 04-05-091, § 260-16-065, filed 2/18/04, effective 3/20/04.]

WAC 260-16-075 Nonprofit race meets exempt from the requirement to collect and distribute owner's bonus and breeder's awards. Nonprofit race meets, as defined in RCW 67.16.105(1) and 67.16.130(1) are exempt from the requirements to collect and distribute owner's bonus and breeder's awards as outlined in this chapter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-13-052, § 260-16-075, filed 6/15/07, effective 7/16/07.]

Chapter 260-20 WAC

ASSOCIATION GROUNDS AND FACILITIES

WAC

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|------------|---|
| 260-20-005 | General duty of a racing association. |
| 260-20-010 | Duty to maintain racetrack. |
| 260-20-012 | Audio and visual equipment. |
| 260-20-013 | Racetrack, rails and starting gate. |
| 260-20-015 | Lighting. |
| 260-20-016 | Barns. |
| 260-20-017 | Test barn. |
| 260-20-030 | Fire prevention. |
| 260-20-040 | Admission to grounds—Restricted areas. |
| 260-20-050 | Passes. |
| 260-20-075 | Firearms prohibited on association grounds. |
| 260-20-090 | Association security. |
| 260-20-160 | Medical aid. |
| 260-20-165 | Equine ambulance. |
| 260-20-180 | Facilities for jockeys. |
| 260-20-190 | Living quarters for stable employees. |
| 260-20-210 | Manure and refuse disposal. |
| 260-20-220 | Standard color designations for distance poles. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-20-020 | Duty of commission employees relative to health, safety, and order. [Rules of racing, § 342, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-20-035 | Nonparimutuel wagering prohibited. [Statutory Authority: RCW 61.16.020 [67.16.020] and 67.16.040. 82-18-050 (Order 82-06), § 260-20-035, filed 8/30/82.] Repealed by 03-11-016, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020. |

- 260-20-060 Unauthorized persons—Exclusion from stables. [Order 73.7, § 260-20-060, filed 12/3/73; Rules of racing, § 21, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-070 Unauthorized persons—Exclusion from paddock. [Rules of racing, § 22, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-080 Exclusion of certain horses, five years or older. [Rules of racing, § 23, filed 4/21/61.] Repealed by 91-17-074, filed 8/21/91, effective 9/21/91. Statutory Authority: RCW 67.16.040.
- 260-20-100 Responsibility of police and watchmen—Letter of instructions. [Rules of racing, § 337, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-110 Stable enclosures—Fencing—Admission to. [Rules of racing, § 338, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-120 Report by bureau or security officer of arrests and bookings. [Rules of racing, § 340, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-130 Report by officer in charge of night force. [Rules of racing, § 341, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-140 Electric timing apparatus. [Rules of racing, § 278, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-150 Patron gates. [Rules of racing, § 328, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-170 First-aid equipment and personnel. [Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-20-170, filed 2/24/88. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-20-170, filed 7/10/81; Rules of racing, § 330, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-20-200 Drinking water, toilets, for patrons and invitees. [Rules of racing, § 333, filed 4/21/61.] Repealed by 07-11-115, filed 5/18/07, effective 6/18/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-20-005 General duty of a racing association. A racing association, its officers, directors, officials and employees will abide by and enforce the rules of racing and the orders of the commission and decisions of the executive secretary and stewards. A racing association may request an exemption from a requirement in this chapter to utilize new technology or innovative construction in the design of the racetrack facilities. The commission may grant an exemption if the commission determines that the racing association's proposal substantially satisfies the purpose of the requirement, and the exemption is in the best interests of horse racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-20-005, filed 3/13/08, effective 4/13/08; 07-11-115, § 260-20-005, filed 5/18/07, effective 6/18/07.]

WAC 260-20-010 Duty to maintain racetrack. Weather conditions permitting, the racing association must:

- (1) Maintain their racetrack in a condition that is safe for the riders and horses; and
- (2) Have implements available to maintain a uniform track.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-010, filed 5/18/07, effective 6/18/07; Rules of racing, § 335, filed 4/21/61.]

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WAC 260-20-012 Audio and visual equipment. (1) A racing association must provide and maintain a working communication system between the stewards' stand, race office, tote room, jockeys' quarters, paddock, test barn, starting gate, weigh-in scale, video camera locations, clockers' stand, track announcer, location of the aid vehicle and equine ambulance, and other locations and persons designated by the commission or designee.

(2) A racing association must have a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(3) If the commission does not provide photo finish service, a racing association is required to:

(a) Provide two electronic photo finish devices with mirror image to photograph the finish of each race. The commission, or designee will approve the location and operation of the photo finish devices before their first use in a race.

(b) Promptly post a photograph or digital image of each photo finish for win, place or show in an area accessible to the public.

(c) Ensure the photo finish devices are calibrated before the first day of each race meet and at other times as required by the commission, or designee.

(d) Provide, when requested, and without cost, a print of a photo finish to the commission, or designee.

(4) A racing association must provide an electronic timing system that records the time of each race in at least fifths of a second. The association will maintain this system and all split time marker sensors in good working order.

(5) A racing association must provide a videotaping system approved by the commission, or designee. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, will be provided in the stewards' stand. The commission, or designee will approve the location and construction of video towers.

(a) One camera will videotape the prerace loading of all horses into the starting gate and will continue to videotape them until the starter dispatches the field.

(b) One camera will videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

(c) The board of stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

(6) Races run at a Class A or B track must be recorded by at least three video cameras. Races run at a Class C track must be recorded by at least two video cameras.

(7) A racing association must, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(8) Videotapes recorded prior to, during and following each race will be maintained by the association for not less than six months after the end of the race meet, or such other period as is directed by the stewards, the commission, or designee.

(9) Following any race in which there is an inquiry or objection, the association will display to the public the video-

taped replays of the incident in question, which were utilized by the stewards in making their decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-012, filed 5/18/07, effective 6/18/07.]

WAC 260-20-013 Racetrack, rails and starting gate.

(1) The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the riders and horses.

(2) Prior to the first race meet at an association racetrack, a licensed surveyor may be required to provide to the commission a certified report of the grade and measurement of the distances to be run. If required, the surveyor's report must be submitted to the commission for approval prior to the first race day of the meet.

(3) Distances to be run will be measured from the starting line at a distance three feet out from the inside rail.

(4) A racing association will provide a drainage system for the racetrack.

(5) A racing association will provide backup equipment for maintaining the track surface. An association that conducts races on a turf track will:

(a) Maintain an adequate stockpile of growing medium; and

(b) Provide a system capable of adequately watering the entire turf course evenly.

(6) Racetracks, including turf tracks, will have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of riders and horses.

The top of the rail must be at least thirty-eight inches but not more than forty-two inches above the top of the cushion. The commission, or designee must approve the design and construction of rails prior to the first race at the track.

(7) During racing hours, Class A and B associations must provide at least two operable padded starting gates. Class C associations must provide at least one operable padded starting gate. The stewards will approve all starting gates.

(8) A racing association must make at least one starting gate and qualified starting gate personnel available for schooling at least five weeks prior to the first day of their live race meet.

(9) A racing association will ensure that an adequate amount of assistant starters are available for each horse in an official race.

(10) If a race is started at a place other than in a chute, the association will provide backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-013, filed 5/18/07, effective 6/18/07.]

WAC 260-20-015 Lighting. (1) A racing association will provide lighting for the racetrack and the patron facilities to ensure the safety and security of the patrons, licensees and horses.

(2) A racing association will provide additional lighting in the stable area.

(3) If a racing association conducts racing at night, the association will maintain a backup lighting system that is sufficient to ensure the safety of race participants and patrons.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-015, filed 5/18/07, effective 6/18/07.]

WAC 260-20-016 Barns. (1) All racing associations will ensure that the barns are kept clean and in good repair. At Class A and B racing associations, each barn, including the receiving and test barns, must have a hot and cold water supply available, be well-ventilated, and have proper drainage.

(2) All racing associations will ensure that each horse is stabled in an individual box stall with minimum dimensions of ten by ten feet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-016, filed 5/18/07, effective 6/18/07.]

WAC 260-20-017 Test barn. (1) All racing associations must provide a test barn for taking specimens for testing. The test barn must be equipped with:

(a) A walk ring that is large enough to accommodate four horses;

(b) An approved amount of enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;

(c) Facilities for the collection, identification and storage of samples;

(d) A wash-rack that is large enough to accommodate an adequate number of horses at the same time;

(e) Hot and cold running water at Class A and B racing associations.

(2) A racing association will limit access to the test barn to persons authorized by the official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-017, filed 5/18/07, effective 6/18/07.]

WAC 260-20-030 Fire prevention. (1) A racing association will develop and implement a program for fire prevention on association grounds. An association will instruct employees working on association grounds of the procedures for fire prevention. The racing association must retain inspection reports for three years and upon request make them available to the commission, or designee.

(2) No person may:

(a) Smoke in stalls, feed rooms, dormitory rooms, stable offices, or under shed rows;

(b) Tamper with a fire protection, prevention or suppression system or device;

(c) Burn open fires or oil and gas lamps in the stable area;

(d) Leave unattended any electrical appliance that is plugged in to an electrical outlet;

(e) Permit horses to come within reach of electrical outlets or cords;

(f) Store flammable materials such as cleaning fluids or solvents in the stable area; or

(g) Lock a stall that is occupied by a horse.

(3) A racing association must post a notice in the stable area that lists the prohibitions outlined above.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-030, filed 5/18/07, effective 6/18/07; 80-01-033 (Order 79-05), § 260-20-030, filed 12/17/79; Rules of racing, § 26, filed 4/21/61.]

WAC 260-20-040 Admission to grounds—Restricted areas. (1) A person may only be permitted to enter the restricted areas of the racing association grounds under the following conditions:

(a) The person possesses a license or credentials issued by the commission.

(b) The person possesses a pass issued by the association.

(c) The person has been signed-in by a person licensed by the commission.

(2) The restricted areas of a racing association will include, but not be limited to the stable area, and the jockey's quarters.

(3) Children may be granted access to the stable areas as long as they are in the company of a parent or guardian who has a properly issued license, credential, or pass.

(4) Persons escorted by a licensee must remain in the company of the licensee who signed them in.

(5) At a Class C racing association, the stable areas will not be considered a restricted area, except that the racing association may limit access to this area.

(6) Passes must be displayed while in a restricted area.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-040, filed 5/18/07, effective 6/18/07; Rules of racing, § 339, filed 4/21/61.]

WAC 260-20-050 Passes. The racing association may issue passes to allow access to restricted areas of the grounds. Each pass must be numbered and kept in numerical order in the association's records. The commission may inspect these records at any time.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-050, filed 5/18/07, effective 6/18/07; Rules of racing, § 244, filed 4/21/61.]

WAC 260-20-075 Firearms prohibited on association grounds. Firearms are not permitted on the grounds of any racing association, except by security personnel employed by the association and law enforcement officers. Any person who brings or possesses firearms on the grounds may be suspended and/or ejected from the grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-075, filed 5/18/07, effective 6/18/07; 81-08-013 (Order 81-01), § 260-20-075, filed 3/24/81.]

WAC 260-20-090 Association security. (1) A racing association conducting a race meet must maintain security controls over its grounds.

(2) An association will prevent access to, and will remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

(3) Class A or B racing associations must provide continuous security in the stable area during all times that horses are stabled on the grounds. An association will require any person entering the stable area to display a valid license or credential issued by the commission or a pass issued by the association.

(4) Class A or B racing associations must provide fencing around the stable area in a manner that is approved by the commission.

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(5) Not later than twenty-four hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to commission security a written report describing the incident, which may be forwarded to the stewards for disciplinary action. The report must include the name of each individual involved in the incident and the circumstances of the incident.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-090, filed 5/18/07, effective 6/18/07; Rules of racing, § 336, filed 4/21/61.]

WAC 260-20-160 Medical aid. (1) Racing associations must provide a vehicle properly equipped and staffed with two emergency medical technicians, one hour before post time until the last race is official, each day the track is open for racing.

(2) Class A or B racing associations must also provide a first-aid room equipped with at least two beds and other appropriate equipment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-01-054, § 260-20-160, filed 12/13/07, effective 1/13/08. Rules of racing, § 329, filed 4/21/61.]

WAC 260-20-165 Equine ambulance. (1) A racing association must provide an equine ambulance staffed by trained personnel on association grounds each day that the racetrack is open for racing or training. The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use. The ambulance must be a vehicle that restricts view of the injured horse and large enough to accommodate a horse in distress. The ambulance must be able to navigate on the racetrack during all weather conditions and transport a horse off the racing surface. The ambulance must be equipped with:

(a) Large, portable screens to shield a horse from public view;

(b) A system to facilitate loading an injured horse;

(c) Adequate means of loading a horse that is down;

(d) A rear door and a door on each side;

(e) A shielded area for the person who is attending to the horse; and

(f) An adequate area for the storage of water and veterinary drugs and equipment.

(2) A racing association may not conduct a race unless an equine ambulance or an official veterinarian approved substitute is available.

(3) The official veterinarian, its supplies and attendants and the operating procedures for the equine ambulance are subject to review and approval by the official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-165, filed 5/18/07, effective 6/18/07.]

WAC 260-20-180 Facilities for jockeys. Each racing association will provide facilities for the use of jockeys separate from the public areas.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-180, filed 5/18/07, effective 6/18/07; Rules of racing, § 331, filed 4/21/61.]

WAC 260-20-190 Living quarters for stable employees. Class A and B racing associations will provide sanitary living quarters for grooms and other stable employees.

[Title 260 WAC—p. 23]

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-190, filed 5/18/07, effective 6/18/07; Rules of racing, § 332, filed 4/21/61.]

WAC 260-20-210 Manure and refuse disposal. Each racing association will provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area in a timely manner.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-210, filed 5/18/07, effective 6/18/07; Rules of racing, § 334, filed 4/21/61.]

WAC 260-20-220 Standard color designations for distance poles. A racing association must provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand. The starting point markers and distance poles must be marked as follows:

| | |
|------------|------------------------------------|
| 1/4 Poles | Red and White Horizontal Stripes |
| 1/8 Poles | Green and White Horizontal Stripes |
| 1/16 Poles | Black and White Horizontal Stripes |

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-115, § 260-20-220, filed 5/18/07, effective 6/18/07; Rules of racing, § 424, filed 3/11/65.]

Chapter 260-24 WAC

ASSOCIATION OFFICIALS AND EMPLOYEES

WAC

| | |
|------------|---|
| 260-24-030 | Commission approval of racing officials. |
| 260-24-500 | Racing officials. |
| 260-24-510 | Stewards. |
| 260-24-520 | Racing secretary. |
| 260-24-530 | Horsemen's bookkeeper. |
| 260-24-540 | Mutuel manager. |
| 260-24-550 | Official veterinarian(s). |
| 260-24-560 | Horse identifier. |
| 260-24-570 | Paddock judge. |
| 260-24-580 | Starter and assistant starters. |
| 260-24-590 | Security director, investigator. |
| 260-24-600 | Commission investigator(s). |
| 260-24-610 | Commission auditor. |
| 260-24-620 | Clerk of scales. |
| 260-24-630 | Jockey room supervisor. |
| 260-24-640 | Film analyst. |
| 260-24-650 | Clocker. |
| 260-24-660 | Race timer. |
| 260-24-670 | Paddock plater. |
| 260-24-680 | Mutuel inspector. |
| 260-24-690 | Outrider(s). |
| 260-24-700 | Other racing official designated by the commission. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 260-24-010 | Officials enumerated. [Order 75.7, § 260-24-010, filed 4/30/76; Order 75.4, § 260-24-010, filed 9/4/75; Order 73.7, § 260-24-010, filed 12/3/73; Order 72-6, § 260-24-010, filed 10/13/72; Rule 233, filed 1/30/67; Rule 233, filed 8/23/66; Rule 233, filed 5/4/66; Rule 233, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-020 | Officials—Duties—Qualifications. [Order 72-4, § 260-24-020, filed 6/27/72; Rule 234, filed 1/30/67; Rule 234, filed 8/23/66; Rule 234, filed 5/4/66; Rule 234, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-040 | Disqualification for acting at unrecognized meeting. [Rule 235, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-050 | Trafficking in horses, contracts, insurance, prohibited. [Rule 236, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |

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| 260-24-060 | Wagering prohibited. [Rule 237, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-070 | Duty to report violations of rules. [Rule 238, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-080 | Clerk of the scales. [Order 75-1, § 260-24-080, filed 2/18/75; Rule 58, filed 1/30/67; Rules 58 through 63, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-090 | Handicapper. [Rule 138, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-100 | Mutuel manager. [See chapter 260-48 WAC.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-110 | Paddock judge. [Rules 184, 185, and 186, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-120 | Patrol judges. [Rules 200 and 201, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-130 | Placing judges. [See WAC 260-52-050.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-140 | Racing secretary—General duties. [Rule 239, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-150 | Racing secretary—Official program for each racing day. [Rules 240 and 241, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-160 | Racing secretary—To keep record of all races. [Rule 242, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-170 | Racing secretary—Duties with regard to stabling. [Rule 243, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-180 | Racing secretary—List of entries—Posting—Available to newspapers. [Rule 246, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-190 | Starter—Duties at start of race. [See WAC 260-52-030.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-200 | Starter—Appointment of assistants—Misconduct toward jockeys. [Rule 250, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-210 | Starter—Schooling of horses. [Rule 251, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-220 | Starter—To approve entries of two year olds. [Rule 252, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-230 | Starter—May fine and suspend jockeys. [Order 73-8, § 260-24-230, filed 10/23/73; Rule 253, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-240 | Stewards—Responsibility to commission. [Rule 255, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-250 | Stewards—Authority over personnel and grounds. [Rule 256, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-260 | Stewards—Powers as to cases not covered by rules—Increased penalties. [Rule 257, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-270 | Stewards—Supervision of entries and declarations. [Rule 258, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040. |
| 260-24-280 | Stewards—Authority to award punishment. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-24-280, filed 7/8/87; 81-08-013 (Order 81-01), § 260-24-280, filed 3/24/81; Order 72-6, § 260-24-280, filed 10/13/72; Rule 259, |

- filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-290 Stewards—Inspection of documents. [Rule 260, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-300 Stewards—Determining disqualifications in case of fouls. [Rule 261, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-310 Stewards—Duty hours—Sessions. [Rule 262, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-320 Stewards—Substitutes. [Rule 263, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-330 Stewards—Deputies. [Rule 264, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-340 Stewards—Stewards pro tem. [Rule 265, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-350 Stewards—Report of appointment of deputy. [Rule 266, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-360 Stewards—Number in stand during race. [Rule 267, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-370 Stewards—Duty to notice questionable conduct. [Rule 268, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-380 Stewards—Substitution of jockeys. [Rule 289, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-390 Stewards—Placing horse in the temporary charge of trainer. [Rule 270, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-400 Stewards—Getting horses to gate at post time. [Rule 271, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-410 Stewards—Accident before offtime—Excusing horse. [Rule 272, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-420 Stewards—Settlement of protests and complaints. [Rule 273, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-430 Stewards—Infractions—Reports to commission. [Rule 274, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-440 Stewards—Violation of rule other than a rule of the race—Procedure. [Rule 275, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-450 Timers. [Rule 276, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-460 Veterinarians. [Rules 358, 359 and 360, filed 4/21/61; subsection (1) amended, filed 5/4/66; subsection (3) amended, filed 8/26/65.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-465 Veterinarians—Disposal, sterilization of instruments. [Rule 426, filed 8/23/66.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-470 Clocker-identifier. [Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-24-470, filed 5/4/79; Rule 427, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
- 260-24-480 Film analyst. [Rule 428, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

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WAC 260-24-030 Commission approval of racing officials. (1) At least ten days prior to the first day of an approved race meet, the association must submit to the commission, in writing, the names of all racing officials for the race meet.

(2) At least ten days prior to the first day of an approved race meet, the executive secretary must submit to the commission, in writing, the names of all commission employees who will be serving as racing officials for the race meet.

(3) Both the association and the executive secretary may use substitutions as necessary. All substitutions must be reported to the commission, in writing, at the next regular scheduled meeting of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-030, filed 2/15/08, effective 3/17/08; Rule 232, filed 1/30/67; Rule 232, filed 4/21/61.]

WAC 260-24-500 Racing officials. (1) Officials at a race meet include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission investigator(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The association officials of a race meet will include but are not limited to: Racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

- (3) Eligibility:
 - (a) To qualify as a racing official, the appointee must be:
 - (i) Of good character and reputation;
 - (ii) Familiar with the duties of the position and with the commission's rules of racing;
 - (iii) Mentally and physically able to perform the duties of the job; and
 - (iv) In good standing and not under suspension or ineligible in any recognized racing jurisdiction.
 - (b) To qualify for appointment as a steward the appointee must be an Association of Racing Commissioners International-accredited steward, unless the appointee has been appointed as a substitute steward as provided in WAC 260-24-510, and be in good standing with all Association of Racing Commissioners International member jurisdictions. The commission may waive this accreditation requirement for Class C race meets.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants may not:

(a) Participate in the sale, purchase, or ownership of any horse racing at the meet; unless disclosed in advance and approved by the board of stewards;

(b) Sell or solicit horse insurance on any horse racing at the meet;

(c) Be licensed in any other capacity without permission of the executive secretary, or in case of an emergency, the permission of the stewards;

(d) Make a wager on the outcome of any horse race at a race meet under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol and/or drugs while performing official duties.

(6) Racing officials and their assistants must immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Any complaint against an association racing official other than a steward will be made to the board of stewards in writing and signed by the complainant. The presiding steward will report to the executive secretary the action taken or recommended by the board of stewards. The executive secretary will determine whether the matter will be referred to the commission. The board of stewards will notify the complainant, in writing, of the action taken or recommended;

(b) Any complaint against a commission racing official, including an association steward, will be made to the executive secretary. The executive secretary will, if able, notify the complainant in writing of the action taken;

(8) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards may appoint a substitute for the absent steward. If a substitute steward is appointed, the presiding steward will notify the executive secretary and the association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-500, filed 2/15/08, effective 3/17/08; 05-07-065, § 260-24-500, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-500, filed 12/19/97, effective 1/19/98.]

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each race meet are responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards will enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC. The stewards will take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, and scratches will be monitored by a steward;

(e) The stewards have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority will commence and terminate at the direction of the executive secretary. One steward will be designated as the presiding steward by the executive secretary.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in chapter 260-84 WAC;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges for not more than one year per violation;

(vi) Revoke a license; or

(vii) Exclude from facilities under the jurisdiction of the commission.

(b) The stewards' imposition of reprimands, fines and suspensions will be based on the penalties in chapter 260-84 WAC.

For any violation not specifically listed in chapter 260-84 WAC, the stewards have discretion to impose the penalties as provided in (a) of this subsection.

(c) The stewards may direct a jockey to meet with the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst must appear when directed. Failure to appear when directed will be considered a violation of the rules of racing for which penalties may be imposed.

(d) The stewards have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(e) The stewards must serve notice of a conference to person(s) alleged to have committed a violation, which must contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(f) Failure to appear for a ruling conference will be considered a violation of the rules of racing for which penalties may be imposed.

(g) It is the duty and obligation of every licensee to make full disclosure to the board of stewards and commission investigators conducting an investigation into any alleged violation of these rules, of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards or commission investigators on any relevant matter within the authority of the stewards or commission, except in the proper exercise of a legal privilege, nor may any person respond falsely before the stewards or to commission investigators.

(h) At the ruling conference, the stewards will allow the person alleged to have committed a violation to make a statement regarding the alleged violation.

(i) All ruling conferences will be recorded.

(j) Every ruling by the stewards from a ruling conference must be served in writing on the person(s) or parties found in violation within five days and must include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of the options of the person found in violation, which must include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' ruling within seven days of service of the ruling.

(k) Penalties imposed by the stewards, except for those penalties in (l), (m), and (q) of this subsection, will be stayed if a request for hearing before the commission is filed within the seven days of service of the ruling.

(l) If the stewards determine that a person's actions constitute an immediate and/or substantial danger to human and/or equine health, safety, or welfare, and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. The hearing before the commission will occur within thirty days of filing the request for hearing before the commission.

(m) If the stewards deny an application for license or suspend or revoke an existing license for any reasons listed in WAC 260-36-120(2), and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. A hearing before the commission over whether or not to grant a stay will occur at the discretion of the commission.

(n) The stewards' ruling will be posted and a copy provided to the racing association.

(o) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have

waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty will be imposed.

(p) "Service" of the notice of ruling conference or a stewards' ruling may be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(q) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or ejecting the person from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards will ensure that an investigation is conducted and a decision is rendered in every protest, objection and complaint made to them.

(5) Stewards' presence:

(a) On each racing day at least one steward will be on duty at the track beginning three hours prior to first race post time.

(b) Three stewards must be present in the stewards' stand during the running of each race.

(6) Order of finish for parimutuel wagering:

(a) The stewards will determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, is final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards will prepare a weekly report of their regulatory activities. The report will contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, complaints and conferences. The report will be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meet, unless approved by the executive secretary, the presiding steward will submit a written report regarding the race meet to the executive secretary. The report will contain:

(i) The stewards' observations and comments regarding the conduct of the race meet, the overall conditions of the association grounds during the race meet; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards will maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of the horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(e) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards' list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-510, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-03-067, § 260-24-510, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-065, § 260-24-510, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-17-082, § 260-24-510, filed 8/16/04, effective 9/16/04; 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

WAC 260-24-520 Racing secretary. The racing secretary is responsible for the following duties:

- (1) Programming of races during the race meet;
- (2) Compiling and publishing condition books;
- (3) Assigning weights for handicap races;
- (4) Receiving all entries, nominations, and scratches;
- (5) Supervising the racing office employees, including the assistant racing secretary;
- (6) Receiving, inspecting, and safeguarding all required foal and health certificates, Equine Infectious Anemia (EIA) test certificates, and other documents of eligibility for all horses competing at the track or stabled on the grounds;
- (7) Recording the alteration of the sex of a horse on the horse's foal papers and reporting such to the appropriate breed registry and past performance services;
- (8) Recording on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse;
- (9) Maintaining a list of heel nerved horses on association grounds and making the list available for inspection by persons participating in the race meet;
- (10) Maintaining a list of all fillies or mares on association grounds that have been covered by a stallion, and making this list available for inspection by persons participating in the race meet. This list will include the name of the stallion;
- (11) Assigning stalls to be occupied by horses in preparation for racing;

(12) Determining conflicting claims of stable privileges and maintaining a record of arrivals and departures of all horses arriving and departing the association grounds;

(13) Establishing the conditions and eligibility for entering races and publishing the conditions and eligibility to owners, trainers, and the commission. Conditions and eligibility will also be posted in the racing secretary's office.

(a) For the purpose of establishing conditions, winnings will be considered to include all moneys won up to the time of the start of the race;

(b) Winnings during the calendar year will be calculated by the racing secretary from the preceding January 1st;

(14) Entries of horses, which will include:

(a) Examining all entry blanks to verify correct information; and

(b) Selecting the horses to start and the "also eligible" horses, if any, from those entries received in accordance with WAC 260-52-020;

(15) Upon completion of the draw each day, posting a list of entries in a conspicuous location in the race office and making the lists available upon request;

(16) Publishing the official daily program and ensuring the accuracy of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for each distance;

(c) The name of licensed owners of each horse (indicate as leased, if applicable), and the description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey for each horse together with the weight to be carried;

(e) The post position and the saddlecloth number or designation for each horse if there is a variance with the saddlecloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Any other information that may be requested by the association or commission;

(17) Update the foal certificates on all winners to reflect type of race won and amount of purse money awarded;

(18) Accurately record on the foal certificates any transfer of ownership of horses, by either claim or bill of sale, to reflect true ownership of horse;

(19) Examining nominations received for early closing events, late closing events, and stakes events to verify the eligibility of all nominations and compile lists for publication;

(20) Maintaining the permanent records of all stakes and verifying that all entrance moneys due are paid prior to entry for races conducted at the race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-520, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-520, filed 12/19/97, effective 1/19/98.]

WAC 260-24-530 Horsemen's bookkeeper. The horsemen's bookkeeper is responsible to maintain the records, moneys and funds on account, and the payment of all purses.

(1) Records: The records will include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of all horse

owners, trainers or jockeys participating at the race meet who have funds due or on deposit in the horsemen's account;

(2) All records, moneys, and funds on account will be maintained separate from moneys and funds of the association in an account designated as Horsemen's Account and in an account insured by the Federal Deposit and Insurance Corporation. The records are subject to inspection by the commission or the commission's designee at any time.

(3) Payment of purses:

(a) The horsemen's bookkeeper will receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other moneys that properly come into the bookkeeper's possession in accordance with the provisions of these rules;

(b) The horsemen's bookkeeper may accept moneys due belonging to other organizations or recognized race meets, provided the moneys are promptly returned to the organization to which the money is due;

(c) The horsemen's bookkeeper will disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within forty-eight hours of receipt of notification that all tests with respect to such races have cleared the drug testing;

(d) Absent a prior request, the horsemen's bookkeeper will disburse moneys to the persons entitled to receive the same within fifteen days after the last race day of the race meet. This includes purses for official races, provided all tests on horses in races have cleared the drug testing laboratory and that no protest or appeal has been filed with the stewards or the commission;

(e) The amount of purse money earned will be credited in the currency of the jurisdiction in which the race was run. There is no right to a hearing under WAC 260-08-675 for any exchange rate loss at the time of transfer of funds to or from another jurisdiction;

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper will disburse the purse within forty-eight hours of receipt of dismissal or a final nonappealable order disposing of the protest or appeal.

(4) The association license is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-530, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-530, filed 12/19/97, effective 1/19/98.]

WAC 260-24-540 Mutuel manager. The mutuel manager is responsible for the following:

- (1) The overall operation of the parimutuel department;
- (2) The correctness of all pay-off prices;
- (3) To maintain records of all wagers;
- (4) To provide information regarding betting patterns to the commission, or its designee(s);
- (5) To supervise all association employees who work in the parimutuel department;
- (6) To make decisions regarding the operation of the parimutuel department; and

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(7) The enforcement of the association's policy and procedures relating to the parimutuel department.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-540, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-540, filed 12/19/97, effective 1/19/98.]

WAC 260-24-550 Official veterinarian(s). The official veterinarian(s) will be employed by the commission, and be a graduate veterinarian, licensed to practice veterinary medicine in the state of Washington. The official veterinarian(s) will perform the following duties:

(1) Recommend to the board of stewards any horse the official veterinarian believes is unsafe to be raced, or a horse that it would be inhumane to allow to race;

(2) Place and remove horses from the veterinarian's list;

(3) Place and remove horses from the bleeder list;

(4) Supervise the test barn;

(5) Supervise the collection of all specimens for testing;

(6) Provide proper safeguards in the handling of all collected specimens to prevent tampering, confusion or contamination;

(7) Provide the stewards a written report regarding the nature, seriousness, and meaning of concentration levels, if any, for all laboratory reports of prohibited substances in equine samples;

(8) Have jurisdiction over all licensed veterinarians on the grounds for the purpose of these rules;

(9) Report to the commission the names of all horses humanely destroyed or that die on the grounds at the race meet. This report will include the reason a horse was destroyed;

(10) Maintain records of postmortem examinations performed on horses that have died on association grounds;

(11) Be available to the stewards prior to scratch time each race day to inspect any horses and report on their condition;

(12) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(13) Inspect any horse when there is a question as to its physical condition or soundness;

(14) Recommend to the stewards a horse be scratched if the horse is physically incapable of exerting its best effort to win;

(15) Inspect any horse that appears in physical distress during the race or at the finish of the race and report their findings to the stewards;

(16) Work with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(17) Periodically review horse registration certificates to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

(18) Humanely destroy any horse so seriously injured that it is in the best interests of the horse to act.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-550, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-550, filed 12/19/97, effective 1/19/98.]

WAC 260-24-560 Horse identifier. The horse identifier is responsible for performing the following duties:

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(1) Inspect the certificate of registration or each horse scheduled to compete at the race meet to ensure the proper identification;

(2) Examine every starter in the receiving barn or paddock for lip tattoo, sex, color, and markings or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity;

(3) Approve each horse to enter and race by determining that they are properly tattooed and match their breed specific foal certificate; and

(4) Report to the board of stewards any horse not properly identified or whose registration certificate is not in compliance with these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-560, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 99-05-048, § 260-24-560, filed 2/12/99, effective 3/15/99; 98-01-145, § 260-24-560, filed 12/19/97, effective 1/19/98.]

WAC 260-24-570 Paddock judge. The paddock judge is responsible for performing the following duties:

(1) Supervise the horses in the paddock and saddling enclosure;

(2) Inspect all equipment of each horse to ensure safety;

(3) Monitor any equipment as requested by the board of stewards;

(4) Prohibit any change of equipment listed in WAC 260-44-010 without approval of the board of stewards;

(5) Ensure that all horses are generally mounted at the same time, and all horses leave the paddock for the post parade in the proper sequence;

(6) Supervise paddock schooling of all horses approved for schooling;

(7) Place and remove horses on the paddock list for poor or unruly behavior in the paddock. Horses placed on the paddock list will be refused entry until the horse has been satisfactorily schooled in the paddock. Schooling will be under the direct supervision of the paddock judge or his/her designee;

(8) Ensure that only properly authorized persons are permitted in the paddock; and

(9) Report to the stewards any unusual activities in violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-570, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-570, filed 12/19/97, effective 1/19/98.]

WAC 260-24-580 Starter and assistant starters. (1) The starter is responsible for the following duties:

(a) Approve all horses which have never started to ensure that the horse is familiar with, and capable of, breaking from the starting gate.

(b) Ensure all participants have an equal opportunity to a fair start;

(c) Supervise the assistant starters;

(d) Provide a sufficient number of assistant starters for each race;

(e) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions, or assign a foreman to act in his behalf, before post time for each race;

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(f) Assess and make recommendations to the board of stewards on the ability of each person applying for an initial jockey license in breaking from the gate and working a horse in the company of other horses;

(g) Load horses into the gate in any order necessary to ensure a safe and fair start.

(2) The starter will place and remove horses on the starter's list for poor or unruly behavior in the starting gate. Horses placed on the starter's list will be refused entry until the horse has been satisfactorily schooled in the starting gate. Schooling will be under the direct supervision of the starter or his designee.

(3) The starter has complete authority over the starting gate, the starting of horses, and the authority to give orders, which are not in conflict with these rules.

(4) The starter will appoint all assistant starters. Assistant starters must first demonstrate they are adequately trained to safely handle horses in the starting gate. In emergencies the starter may appoint qualified individuals to act as substitute assistant starters.

(5) Assistant starters may not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Strike a horse with a whip;

(d) Use a device, unless approved by the stewards, to assist in the loading of a horse into the starting gate;

(e) Slap, boot or otherwise dispatch a horse from the starting gate;

(f) Strike or use abusive language to a jockey; or

(g) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

(6) The starter and assistant starters will report all unauthorized activities to the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-580, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-580, filed 12/19/97, effective 1/19/98.]

WAC 260-24-590 Security director, association. The security director will be employed by the association and will be responsible for maintaining the security and safety of the association's grounds. The security director will provide daily reports to the commission investigators related to any incidents or occurrences on the association grounds, which may constitute a violation of the rules in Title 260 WAC. The security director will work with the board of stewards and commission investigators in all matters related to licensing and regulation of all applicants and licensees on association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-590, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-590, filed 12/19/97, effective 1/19/98.]

WAC 260-24-600 Commission investigator(s). The commission investigator(s) report to the executive secretary or designee. The investigator(s) are responsible to investigate allegations of wrongdoing and violations of Title 260 WAC. The investigator(s) will present cases before the board of stewards, the commission, and perform any other duties as determined by the executive secretary or stewards.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-600, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-600, filed 12/19/97, effective 1/19/98.]

WAC 260-24-610 Commission auditor. The commission auditor is responsible for the following duties:

- (1) Reviewing annually the financial statements of the racing association.
- (2) Verifying the monetary commissions due to each entity as required by law, rule or agreement.
- (3) Verifying Washington-bred eligibility and the accounting for the Washington-bred owners' bonus fund.
- (4) Verifying payoffs on betting pools as requested by the commission or designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-610, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-610, filed 12/19/97, effective 1/19/98.]

WAC 260-24-620 Clerk of scales. The clerk of scales is responsible for the following duties:

- (1) Verifying the presence of all jockeys in the jockey's room at the time required by rule;
- (2) Verifying all jockeys are properly licensed;
- (3) Verifying the correct weight of each jockey at the time of weighing out and weighing in;
- (4) Overseeing the security of the jockey's room, including the conduct of the jockeys and their attendants;
- (5) Recording all required data on the scale sheet and submitting the completed scale sheet to the horseman's bookkeeper at the end of each race day;
- (6) Maintaining the records of applicable winning races on all apprentice certificates at the race meet;
- (7) Releasing the apprentice jockey certificates when either the jockey departs or at the conclusion of the race meet;
- (8) Reporting immediately to the board of stewards any violations of the rules of racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-620, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-620, filed 12/19/97, effective 1/19/98.]

WAC 260-24-630 Jockey room supervisor. The jockey room supervisor is responsible for the following duties:

- (1) Supervising the conduct of the jockeys and their attendants while they are in the jockeys' room;
- (2) Keeping the jockeys' room clean and safe for all participants;
- (3) Ensuring all jockeys are in the correct colors before leaving the jockeys' room to mount their horses;
- (4) Keeping a daily program available for the jockeys so they have ready access to mounts that may come available;
- (5) Keeping unauthorized persons out of the jockeys' room;
- (6) Assisting the clerk of scales in the weighing in or out of jockeys when authorized by the stewards or clerk of scales; and
- (7) Reporting to the clerk of scales or stewards any unusual occurrences in the jockeys' room.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-630, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-630, filed 12/19/97, effective 1/19/98.]

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WAC 260-24-640 Film analyst. The film analyst, when utilized, is responsible for the following duties:

- (1) Keeping a daily video list as directed by the stewards and have it displayed in plain view for all jockeys;
- (2) Reviewing with all apprentice jockeys the video record of all their rides;
- (3) Reviewing with jockeys the video record of their rides as directed by the board of stewards;
- (4) Assisting the board of stewards by reviewing all races and reporting to the board of stewards any unsafe or potentially dangerous occurrences detected;
- (5) Performing any other duties as assigned by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-640, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-640, filed 12/19/97, effective 1/19/98.]

WAC 260-24-650 Clocker. (1) The clocker is responsible for the following duties:

- (a) Be present during training hours at each association to record the time and distance of each horse's official workout. (A clocker is not required to be present for any other workouts);
 - (b) Prepare a daily record of all official workouts, which must include:
 - (i) The name of each horse;
 - (ii) The name of the track and training center where the official workout occurred; and
 - (iii) The time and distance of each horse's official workout;
 - (c) Deliver the daily record of all official workouts occurring on association grounds to the racing secretary at the end of each day's training.
- (2) At those Class A racing associations designated by the commission, a commission clocker may enter into equibase the daily record of all official workouts occurring on association grounds as long as the commission is compensated by the racing association for the full cost associated with entering the daily record information.

(3) The clocker recording official workouts off the association grounds, during the association's scheduled race meet and training dates, will deliver the daily record of all official workouts to the racing secretary within twenty-four hours.

(4) Approval for a clocker's license will be based on the individual's knowledge of and proficiency in performing clocking activities.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-01-065, § 260-24-650, filed 12/11/08, effective 1/11/09; 08-05-088, § 260-24-650, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 04-07-074, § 260-24-650, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 00-20-028, § 260-24-650, filed 9/27/00, effective 10/28/00; 98-01-145, § 260-24-650, filed 12/19/97, effective 1/19/98.]

WAC 260-24-660 Race timer. The race timer is responsible for the following duties:

- (1) Recording accurately the time elapsed between the start and finish of each race. The time will be recorded from the instant the race begins until the first horse reaches the finish line. (As a backup to the electronic timer, the race timer will also use a stopwatch to time all races. In time trials, the race timer will ensure that the board of stewards approves three designees to use at least three stopwatches.)

(2) Posting the official running time on the infield totalisator board at the end of each race. (At a racetrack equipped with an appropriate infield totalisator board, the timer will post the split times for races in fractions as a race is being run. For quarter horse races, the timer will post the official times in hundredths of a second.)

(3) Maintaining a record of fractional and finish times of each race. The record will be available for inspection by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-660, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-660, filed 12/19/97, effective 1/19/98.]

WAC 260-24-670 Paddock plater. The paddock plater is responsible for the following duties:

(1) Be available during race hours to perform emergency shoeing repairs on horses in the receiving barn, paddock, or during post parade;

(2) When directed by the board of stewards, inspect the height of toe grabs, or type of shoes on all horses, either in the receiving barn or paddock.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-670, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-670, filed 12/19/97, effective 1/19/98.]

WAC 260-24-680 Mutuel inspector. The mutuel inspector is responsible to oversee the parimutuel wagering activity during the race meet. This will include, but is not limited to, testing of the totalisator system, reviewing unusual wagering patterns, providing information to the board of stewards, assisting the commission auditor and association mutuel manager, reviewing association simulcast contracts, and performing other duties as directed by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-680, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-680, filed 12/19/97, effective 1/19/98.]

WAC 260-24-690 Outrider(s). The outrider(s) is responsible for the following duties:

(1) During training hours:

(a) Maintaining safety on the racetrack;

(b) Ensuring all persons on horseback ride in a safe and prudent manner;

(c) Ensuring all persons on horseback have the proper safety equipment;

(d) Promptly reporting to the commission investigators any questionable conduct, and all injuries occurring on the track; and

(e) Reporting to the commission investigators, or stewards, unsafe riding, any persons on horseback who may be under the influence of alcohol and/or drugs.

(2) During racing hours:

(a) Maintaining order during post parade;

(b) Ensuring all persons on horseback have the proper safety equipment;

(c) Ensuring that the horses arrive at the starting gate at post time; and

(d) Reporting to the stewards any questionable conduct, and unsafe riding.

[Title 260 WAC—p. 32]

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-690, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-690, filed 12/19/97, effective 1/19/98.]

WAC 260-24-700 Other racing official designated by the commission. The commission may create additional racing official positions. Persons selected to these positions will be considered racing officials and subject to the same eligibility requirements outlined in this chapter. Persons selected will be responsible to perform duties assigned to them.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-24-700, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-700, filed 12/19/97, effective 1/19/98.]

Chapter 260-28 WAC

OWNERSHIPS, TRAINERS AND EMPLOYEES

WAC

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|------------|---|
| 260-28-010 | Authorized agent. |
| 260-28-020 | Stable names—Registration fees and restrictions. |
| 260-28-030 | Financial responsibility. |
| 260-28-050 | Colors—Registration and fees. |
| 260-28-060 | Engagements and transfer. |
| 260-28-070 | Ownerships to be filed with commission and racing secretary. |
| 260-28-080 | Ownership by corporations, companies, or other organizations. |
| 260-28-085 | Leases. |
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| 260-28-110 | Employment of jockey to prevent riding. |
| 260-28-120 | Bribes and gratuities. |
| 260-28-130 | May not employ unlicensed veterinarian. |
| 260-28-200 | Trainer—Paddock duties. |
| 260-28-210 | Trainer—Substitute for absent trainer. |
| 260-28-220 | Trainer—Duty to register horses with racing secretary. |
| 260-28-230 | Trainer—Duty to register personnel—Safety equipment. |
| 260-28-235 | Trainer—Duty to provide employees financial relief from injury. |
| 260-28-240 | Trainer—Restriction as to horses owned by disqualified person. |
| 260-28-280 | Trainer—Reporting sickness of horse. |
| 260-28-290 | Trainer—Ownership interest. |
| 260-28-295 | Trainer responsibility. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-28-040 | Feed and supplies may be bought at open market. [Rules of racing, § 25, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-28-090 | Owner to register horses with racing secretary. [Rules of racing, § 176, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-28-140 | Employment of persons under sixteen. [Rules of racing, § 182, filed 4/21/61.] Repealed by 04-05-092, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020. |
| 260-28-150 | Registration of stable personnel. [Rules of racing, § 183, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-28-160 | Partnerships. [Rules of racing, §§ 197, 198, 199, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-28-170 | Duty to name jockey upon making entry. [Rules of racing, § 279, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-28-180 | Trainer—Insurer of condition of horse. [Rules of racing, § 280, filed 4/21/61.] Repealed by 07-03-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020. |

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- 260-28-190 Trainer—Authority to represent owner. [Rules of racing, § 281, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-28-250 Trainer—Bribery prohibited. [Rules of racing, § 288, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-28-260 Trainer—Removing horses from grounds. [Rules of racing, § 289, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-28-270 Trainer—Employing jockey to prevent riding. [Rules of racing, § 290, filed 4/21/61.] Repealed by 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-28-010 Authorized agent. An authorized agent is a person appointed by an owner or by a stable to act as their agent. Before an authorized agent can act on behalf of the owner or the stable, the agent must be licensed by the commission as an authorized agent. All licensed authorized agents must also file a notarized document signed by the owner or stable manager with the commission verifying their authorization to act as authorized agent along with the scope of their duties. A trainer is not required to be an authorized agent in order to represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-010, filed 3/8/07, effective 4/8/07; Rules of racing, § 32, filed 4/21/61.]

WAC 260-28-020 Stable names—Registration fees and restrictions. Licensed owners and lessees may adopt a stable name subject to the approval of the stewards.

- (1) Four or more owners are required to race under a stable name.
- (2) The applicant must identify all persons using the stable name. Changes must be reported immediately to the stewards.
- (3) Application for a stable name must include a designation of a managing owner and an address. Receipt of any correspondence, notice or order at such address will constitute official notice to all persons involved in the ownership of such horse.
- (4) All persons with an ownership interest in the stable name must comply with all rules regarding licensing of owners.
- (5) A person who has registered a stable name may cancel it upon written notice to the stewards.
- (6) The stewards will not approve a stable name that has been registered by any other person with any association conducting a recognized race meeting.
- (7) No stable name may be used, if in the judgment of the stewards, it is being used for advertising purposes.
- (8) A stable name must be clearly distinguishable from other stable names.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-020, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-28-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-034 (Order 79-06), § 260-28-020, filed 12/17/79; Order 71-9, § 260-28-020, filed 6/2/71; Rules of racing, § 31, filed 3/11/65; subsection (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

WAC 260-28-030 Financial responsibility. (1) A licensee may not willfully fail or refuse to pay money due for

services, supplies, or fees connected with his or her operations as a licensee. A licensee may not falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

- (a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and
- (b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) A licensee may not write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is grounds for license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-030, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

WAC 260-28-050 Colors—Registration and fees. (1) Racing colors must be registered, and authority for their use approved by a steward. Approval will be made annually when the owner's license is approved.

(2) Colors registered with any racing commission or with the Jockey Club will be honored in Washington and only the registrant will be permitted to use them.

(3) No person may start a horse in racing colors other than those registered in his/her name or stable name. A temporary change of racing colors must first be authorized by the jockey room supervisor.

(4) Any disputes related to racing colors will be decided by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-050, filed 3/8/07, effective 4/8/07; 82-14-012 (Order 82-05), § 260-28-050, filed 6/25/82; Rules of racing, § 64, filed 4/21/61.]

WAC 260-28-060 Engagements and transfer. (1) When a horse is claimed, any nominations previously made to a stake or any breed association sponsored race for the horse will remain valid.

(2) Nominations, entries or rights of entry remain valid when a horse is sold or claimed, except when the horse is transferred to a person whose license is suspended or who is otherwise disqualified to race or enter the horse, then the nomination will be void as of the date of the transfer.

(3) The death of a nominator to a stake race will not render void any nomination, entry, or right of entry. All rights, privileges and obligations will attach to the legal heir of the decedent or the new owner of the horse.

(4) If a horse is sold or claimed the seller cannot withdraw the horse from any engagements.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-060, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 88 through 92, filed 4/21/61.]

WAC 260-28-070 Ownerships to be filed with commission and racing secretary. Before a horse may start, all persons with an ownership interest in the horse must be disclosed to the commission and racing secretary.

(1) A trainer's entitlement to a percentage of a horse's winnings is not considered an ownership interest.

(2) If ownership changes during the race meet, the new owner must notify the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 107, filed 4/21/61.]

WAC 260-28-080 Ownership by corporations, companies, or other organizations. (1) If the legal owner of any horse is a corporation, company, or other organization, each shareholder or member must be licensed.

(2) Each corporation, company, or other organization must disclose to the commission all shareholders or members of the organization.

(3) Corporations, companies, or other organizations must submit an application for a stable license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-080, filed 3/8/07, effective 4/8/07; Order 75-1, § 260-28-080, filed 2/18/75; Rules of racing, § 107(a), filed 4/21/61.]

WAC 260-28-085 Leases. A horse may be raced under a lease if a completed breed registry or other notarized lease form is attached to the certificate of registration and on file with the commission. The lessee must be licensed as the horse owner. If the legal owner of the horse is ineligible for licensing, the lessee will not be licensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-085, filed 3/8/07, effective 4/8/07.]

WAC 260-28-100 Change of trainers. If an owner changes trainers, he/she must notify the racing commission within seventy-two hours. This form must be signed by the new trainer acknowledging that he/she accepts responsibility for the horse or horses, and by the previous trainer to release any obligations in connection with the horse or horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-100, filed 3/8/07, effective 4/8/07; Rules of racing, § 178, filed 4/21/61.]

[Title 260 WAC—p. 34]

WAC 260-28-110 Employment of jockey to prevent riding. An owner or trainer may not employ a jockey for the purpose of preventing the jockey from riding in any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 179, filed 4/21/61.]

WAC 260-28-120 Bribes and gratuities. An owner or trainer may not accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or which was intended to influence the result of any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-120, filed 3/8/07, effective 4/8/07; Rules of racing, § 180, filed 4/21/61.]

WAC 260-28-130 May not employ unlicensed veterinarian. Owners and trainers will only employ veterinarians who are properly licensed by the Washington state department of health and the commission. Racing associations will use all reasonable efforts to prevent unlicensed veterinarians from practicing on their grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 181, filed 4/21/61.]

WAC 260-28-200 Trainer—Paddock duties. (1) A trainer must have his or her horse in the receiving barn or paddock at the time appointed.

(2) A trainer must attend his or her horse in the paddock, and must be present to saddle the horse, unless he/she has obtained the permission of a steward to send another licensed trainer as a substitute.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-089, § 260-28-200, filed 2/15/08, effective 3/17/08; 07-07-007, § 260-28-200, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 282, 283, filed 4/21/61.]

WAC 260-28-210 Trainer—Substitute for absent trainer. If a trainer will be absent from the track where his or her horses are participating in races, the trainer must first obtain a licensed trainer to substitute for him or her during the trainer's absence. The substitute trainer must be approved by a steward prior to the original trainer's absence. The original trainer remains the absolute insurer of any horses he or she has entered. Once a substitute trainer has been approved by a steward, the substitute trainer will then become the absolute insurer of any additional horses he or she may enter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-210, filed 3/8/07, effective 4/8/07; Order 4, § 260-28-210, filed 12/24/69; Rules of racing, § 284, filed 4/21/61.]

WAC 260-28-220 Trainer—Duty to register horses with racing secretary. Each trainer must register with the racing secretary all the horses in his or her charge, giving the name, age, sex, breeding and ownership of each horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-220, filed 3/8/07, effective 4/8/07; Rules of racing, § 285, filed 4/21/61.]

WAC 260-28-230 Trainer—Duty to register personnel—Safety equipment. A trainer is required to notify the commission of the name of every person in the trainer's employ and is responsible to ensure that all the trainer's employees are properly licensed by the commission before being allowed to work. If a trainer releases any employee

from employment, the trainer must notify the stewards within forty-eight hours.

A trainer must ensure that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-230, filed 3/8/07, effective 4/8/07; 06-07-067, § 260-28-230, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 00-06-072, § 260-28-230, filed 3/1/00, effective 4/1/00. Rules of racing, § 286, filed 4/21/61.]

WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury. At the time of submitting a license application, all trainers must pay the industrial insurance premium assessment required by RCW 67.16.300 and 51.16.210 for each person in their employment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-235, filed 3/8/07, effective 4/8/07; Rules of racing, § 425, filed 5/4/66.]

WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person. A trainer may not have in his or her charge or under his or her supervision any horse owned, in whole or in part, by a disqualified person.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-240, filed 3/8/07, effective 4/8/07; Rules of racing, § 287, filed 4/21/61.]

WAC 260-28-280 Trainer—Reporting sickness of horse. A trainer must immediately report any sickness or illness of any of his or her horses to an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-007, § 260-28-280, filed 3/8/07, effective 4/8/07; Rules of racing, § 291, filed 4/21/61.]

WAC 260-28-290 Trainer—Ownership interest. When participating as a licensed trainer at a race meet, the trainer is responsible for training all horses participating at the race meet that are owned wholly or in part by the trainer. The board of stewards has discretion to permit an exception to this rule only where the trainer has an ownership interest in different breeds of horses participating in the race meet, and seeks permission to have a particular breed trained by someone else.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-066, § 260-28-290, filed 3/10/06, effective 4/10/06.]

WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the

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absence of substantial evidence to the contrary, the trainer will be held responsible.

(4) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(5) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(6) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in chapter 260-70 WAC;

(m) Ensuring proper bandages, equipment and shoes;

(n) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so; and

(o) Ensuring that any person employed by him/her is properly licensed to perform the duties assigned.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-090, § 260-28-295, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-03-065, § 260-28-295, filed 1/16/07, effective 2/16/07.]

**Chapter 260-32 WAC
JOCKEYS, APPRENTICES AND AGENTS**

WAC

JOCKEYS

260-32-010
260-32-040
260-32-070

Minimum requirements to obtain a jockey's license.
Jockey may not be owner or trainer.
Weighing out.

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| 260-32-080 | Must fulfill engagements. |
| 260-32-100 | Appearance and costume. |
| 260-32-105 | Safety equipment. |
| 260-32-120 | Spurs or steels. |
| 260-32-130 | Colors. |
| 260-32-140 | Numbers. |
| 260-32-150 | Reporting in prior to race—Attendance pending engagements. |
| 260-32-160 | Physical examinations. |
| 260-32-170 | Betting. |
| 260-32-180 | Fees. |
| 260-32-190 | Temporary suspension. |
| 260-32-210 | Payment of fines. |
| 260-32-220 | Jockey limited to one agent who shall make all engagements. |
| 260-32-230 | Attendants. |

JOCKEY APPRENTICES

(CONTRACTS—REGISTRATION—APPLICATION FOR LICENSES)

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| 260-32-300 | Application of rules for jockeys. |
| 260-32-305 | Probationary mounts. |
| 260-32-370 | Apprentice jockeys. |

JOCKEY AGENTS

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| 260-32-400 | Powers and duties. |
| 260-32-410 | Touting prohibited. |
| 260-32-420 | Prohibited areas. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-32-020 | Riding prior to licensure. [Rules of racing, §§ 141, 142, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-030 | Apprentice may ride in same race with jockeys. [Rules of racing, § 143, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-050 | Stable prerequisite to contract holding. [Rules of racing, § 170, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-060 | Riding for other than contract employer. [Rules of racing, § 145, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-090 | Riding against starter of contract employer. [Rules of racing, § 148, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-110 | Protective helmet. [Rules of racing, §§ 150, 151, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-115 | Safety vests. [Statutory Authority: RCW 67.16.040. 93-23-010, § 260-32-115, filed 11/5/93, effective 12/6/93.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-200 | When suspension commences. [Rules of racing, § 161, filed 4/21/61.] Repealed by 04-19-044, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.020. |
| 260-32-240 | Priority of retainers. [Rules of racing, § 165, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-310 | Contracts—Form—Filing. [Rules of racing, §§ 167, 168, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-320 | Contracts—Transfers. [Rules of racing, § 169, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-330 | Stable prerequisite to contract holding. Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-335 | Apprentice certificates. [Order 77.1, § 260-32-335, filed 4/22/77.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |

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| 260-32-340 | Application for license—Supporting documents. [Rules of racing, § 171, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-350 | Riding for other than contracted employer—Fee entitlement. [Order 73.7, § 260-32-350, filed 12/3/73; Rules of racing, § 172, filed 4/21/61.] Repealed by 06-07-065, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-32-360 | Apprentice allowances and extensions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 83-08-057 (Order 83-01), § 260-32-360, filed 4/4/83; Order 77.1, § 260-32-360, filed 4/22/77; Order 73.7, § 260-32-360, filed 12/3/73; Order 3, § 260-32-360, filed 5/12/69; Rules of racing, § 173, filed 4/21/61, subsections 1(a) amended, filed 3/11/65; 1(c) amended, filed 8/26/65; 2(d) added, filed 1/21/64.] Repealed by 98-07-070, filed 3/17/98, effective 4/17/98. Statutory Authority: RCW 67.16.040. |

JOCKEYS

WAC 260-32-010 Minimum requirements to obtain a jockey's license. In order to obtain a jockey license a person must meet the following minimum requirements:

- (1) Be at least eighteen years of age; and
- (2) Be engaged by a trainer to ride in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-010, filed 3/10/06, effective 4/10/06. Rules of racing, §§ 139, 140, filed 4/21/61.]

WAC 260-32-040 Jockey may not be owner or trainer. A jockey shall not be an owner or trainer of any horse competing at the race meet where the jockey is riding.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-040, filed 3/10/06, effective 4/10/06. Rules of racing, § 144, filed 4/21/61.]

WAC 260-32-070 Weighing out. Jockeys are required to present themselves to be weighed out as directed by the clerk of the scales.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-070, filed 3/10/06, effective 4/10/06. Rules of racing, § 146, filed 4/21/61.]

WAC 260-32-080 Must fulfill engagements. All jockeys shall faithfully fulfill all engagements in respect to racing, unless excused by the board of stewards or a physician.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-080, filed 3/10/06, effective 4/10/06. Rules of racing, § 147, filed 4/21/61.]

WAC 260-32-100 Appearance and costume. In riding a race a jockey must be neat in appearance. All riders must be dressed in clean jockey attire, caps, and jackets of silk or waterproof material, white jockey's pants and jockey boots. During off-track conditions protective rain pants may be of a different color.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-100, filed 3/10/06, effective 4/10/06. Rules of racing, § 149, filed 4/21/61.]

WAC 260-32-105 Safety equipment. (1) It shall be mandatory that jockeys wear a protective helmet and safety vest in compliance with WAC 260-12-180.

(2) The weight of the protective helmet shall not be included in the jockey's weight.

(3) The safety vest shall weigh no more than two pounds and shall not be included in the jockey's weight.

(4) Safety vests shall not be altered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-105, filed 3/10/06, effective 4/10/06.]

WAC 260-32-120 Spurs or steels. The use of spurs or steels is prohibited.

[Rules of racing, § 152, filed 4/21/61.]

WAC 260-32-130 Colors. A jockey must wear the colors of the owner or owners of the horse he/she is riding (except by special permission of the stewards), and a number on the saddle cloth corresponding to the number of the horse in the official program.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-130, filed 3/10/06, effective 4/10/06. Rules of racing, § 153, filed 4/21/61.]

WAC 260-32-140 Numbers. A jockey may be required to wear a number on his/her right arm. The number on the jockey's arm and the saddle cloth number shall correspond to the number of the horse in the official program.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-140, filed 3/10/06, effective 4/10/06. Rules of racing, § 154, filed 4/21/61.]

WAC 260-32-150 Reporting in prior to race—Attendance pending engagements. Every jockey who is engaged in a race shall report to the scale room on the day of the race at the time required by the officials. He/she shall then report his/her engagements and overweight, if any, to the clerk of scales, and thereafter, except with the permission of the stewards, shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until all of his/her engagements of the day have been fulfilled.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-150, filed 3/10/06, effective 4/10/06. Rules of racing, § 155, filed 4/21/61.]

WAC 260-32-160 Physical examinations. During the conduct of a meeting, if the board of stewards has reasonable concerns that a jockey may be unfit to ride due to physical ailment, the board of stewards may require that any jockey be examined by a physician and may refuse to allow said jockey to ride until he/she presents a physician's statement that the jockey is physically fit to ride.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-160, filed 3/10/06, effective 4/10/06. Rules of racing, § 156, filed 4/21/61.]

WAC 260-32-170 Betting. (1) A jockey shall only be allowed to wager on a race in which the jockey is riding, and then only if:

(a) The owner or trainer of the horse, which the jockey is riding, makes the wager for the jockey;

(b) The jockey only wagers on his/her mount to win or finish first in combinations with other horses in multiple wagers; and

(c) Records of such wagers are kept and available for presentation upon request by the stewards.

(2) A jockey shall be allowed to wager on any race as long as the jockey has fulfilled his/her riding engagements for the day and left the jockey's quarters.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-170, filed 3/10/06, effective 4/10/06. Rules of racing, § 157, filed 4/21/61.]

(2009 Ed.)

WAC 260-32-180 Fees. (1) The commission must approve jockey riding fees prior to the beginning of a race meet.

(a) If any owner or trainer engages two or more jockeys for the same race, he/she shall pay the losing fee for each jockey not riding in the race, as well as the proper fee to the jockey who does ride. In the event an owner or trainer elects to remove a jockey from his/her mount after scratch time or such other time as designated by the stewards, the stewards may require a double jockey fee to be paid. The double jockey fee to be paid may be equal to that earned by the jockey who rode the race or a losing fee, as determined by the board of stewards.

(b) A jockey's fee shall be considered earned when the clerk of scales weighs out the jockey. The fee shall not be considered earned if the jockey, of his/her own free will, takes himself/herself off his/her mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(2) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-180, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 98-07-070, § 260-32-180, filed 3/17/98, effective 4/17/98; Order 4, § 260-32-180, filed 12/24/69. Rules of racing, §§ 158, 159, filed 4/21/61.]

WAC 260-32-190 Temporary suspension. (1) If a jockey is suspended for an offense not involving fraud, and the suspension is for ten days or less, then the jockey may ride in those stakes races, futurity races, futurity trials, or other races which are designated by the board of stewards as races in which the jockey may compete, even though under suspension.

(2) A listing of the designated races shall be posted in the jockey's room, and any other such place deemed appropriate by the stewards.

(3) A suspended jockey must be named at the time of entry to participate in any designated race.

(4) A day in which a jockey participated in a designated race while on suspension shall count as a suspension day, except:

(a) A day in which a suspended jockey participates in more than one designated race in Washington shall not count as a suspension day; and

(b) A day in which a jockey participates in one or more designated races in another jurisdiction shall not count as a suspension day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-190, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 91-15-036, § 260-32-190, filed 7/16/91, effective 8/16/91. Rules of racing, § 160, filed 4/21/61.]

WAC 260-32-210 Payment of fines. All fines must be paid by the jockey. Any other person paying a jockey's fine shall be subject to disciplinary action.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-210, filed 3/10/06, effective 4/10/06. Rules of racing, § 162, filed 4/21/61.]

WAC 260-32-220 Jockey limited to one agent who shall make all engagements. A jockey may have only one agent. All engagements to ride shall be made by his/her agent. All jockeys are bound by agreements made on their behalf by their jockey agent.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-220, filed 3/10/06, effective 4/10/06. Rules of racing, § 163, filed 4/21/61.]

WAC 260-32-230 Attendants. No jockey shall have an attendant other than those provided by the association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-230, filed 3/10/06, effective 4/10/06. Rules of racing, § 164, filed 4/21/61.]

JOCKEY APPRENTICES (CONTRACTS—REGISTRATION—APPLICATION FOR LICENSES)

WAC 260-32-300 Application of rules for jockeys. Jockey apprentices must comply with all the rules for jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-300, filed 3/10/06, effective 4/10/06. Rules of racing, § 166, filed 4/21/61.]

WAC 260-32-305 Probationary mounts. The board of stewards may grant a temporary license to a jockey apprentice allowing them to ride up to three probationary mounts.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-305, filed 3/10/06, effective 4/10/06.]

WAC 260-32-370 Apprentice jockeys. (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) An apprentice jockey may be granted an apprentice certificate by the board of stewards. The apprentice certificate shall grant an apprentice all the allowances and conditions stated in these rules.

(3) An apprentice jockey eligible for a ten-pound allowance may not accept mounts on two year olds and first time starters, without prior approval of the board of stewards.

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

(5) An applicant with an approved apprentice certificate from another jurisdiction may be licensed as an apprentice jockey.

(6) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

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

(8) The apprentice jockey shall keep an accurate updated record of his/her first forty winners, to be recorded on the certificate by the clerk of scales.

(9) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

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

(b) Seven pound allowance until the apprentice has ridden an additional thirty-five winners; and

(c) If an apprentice has ridden a total of forty winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey shall have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty winners, the applicable weight allowance shall continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(e) An apprentice may waive the ten- or seven-pound allowance, but shall not be eligible to reinstate either allowance once waived.

(10) The commission may extend the period in which an apprentice jockey is allowed a weight allowance when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

(a) Physical disablement or illness;

(b) Military service;

(c) Attendance in an institution of secondary or higher education;

(d) Restriction on racing;

(e) Other valid reasons.

(11) In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance.

(12) The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation, verifying time lost as defined by this regulation.

(13) An apprentice may petition the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances granted by the commission, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-370, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 98-01-146, § 260-32-370, filed 12/19/97, effective 1/19/98.]

JOCKEY AGENTS

WAC 260-32-400 Powers and duties. (1) Each jockey agent shall be licensed by the commission.

(2) No jockey agent shall be the owner or trainer of any horse.

(3) A jockey agent may represent up to three jockeys.

(4) No jockey agent shall make or assist in making any engagement for any rider other than those he is licensed to represent, without prior approval of the board of stewards,

which may be granted for a temporary time period not to exceed ten days.

(5) If a jockey agent is absent for a period of more than ten days, the jockey will be required to engage another jockey agent.

(6) Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him of the riders he is representing. This record must be kept up to date and held ready at all times for the inspection by the stewards.

(7) If any jockey agent gives up the making of engagements for any rider, he/she shall immediately notify the stewards, and he/she shall also turn over to the stewards a list of any unfilled engagements he/she may have made for that rider. A jockey agent may not drop a rider without notifying the board of stewards in writing. The stewards will decide all rival claims for the services of a rider. Jockey agents who fail to honor commitments made are subject to disciplinary action.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-400, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 92-21-027, § 260-32-400, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-073 (Order 79-03), § 260-32-400, filed 12/24/79. Rules of racing, § 174, filed 3/11/65; filed 4/21/61.]

WAC 260-32-410 Touting prohibited. A jockey agent shall not give to any one, directly or indirectly any information or advice pertaining to a race or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

[Rules of racing, § 175, filed 4/21/61.]

WAC 260-32-420 Prohibited areas. A jockey agent is prohibited from entering the jockey quarters, winner's circle, racing surface, paddock or saddling enclosure unless permitted by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-065, § 260-32-420, filed 3/10/06, effective 4/10/06; 82-09-016 (Order 82-03), § 260-32-420, filed 4/9/82.]

Chapter 260-34 WAC

DRUG AND ALCOHOL TESTING OF LICENSEES

WAC

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| 260-34-010 | Primary purpose. |
| 260-34-020 | Drug and alcohol violations. |
| 260-34-030 | Testing. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-34-035 | Exercising the privileges of their license. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-035, filed 3/11/05, effective 4/11/05.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-040 | Definitions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-040, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-040, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-045 | Violations of the privileges granted licensees. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-045, filed 3/11/05, effective 4/11/05.] |

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| 260-34-050 | Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. Reasonable suspicion. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-050, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-050, filed 4/15/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-060 | Refusal to test. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-060, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-060, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-060, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-070 | Responsibility to report valid prescriptions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-070, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-070, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-070, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-080 | Testing procedure. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-080, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-080, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-080, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-080, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-090 | A positive test. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-090, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-05-071, § 260-34-090, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-090, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-090, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-100 | Confidentiality of test results. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-100, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-100, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-100, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-100, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-110 | Consumption of alcohol. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-110, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-120 | Alcohol violations defined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-120, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-130 | Consumption reasonable suspicion for testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-130, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-140 | Alcohol levels determined. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-140, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-150 | Alcohol testing. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-150, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-34-160 | Refusal to be tested. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-160, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |

- 260-34-170 Alcohol violation sanctions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-170, filed 8/19/88.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-34-180 Testing expense. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-066, § 260-34-180, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-180, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-180, filed 4/15/88.] Repealed by 06-07-064, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-34-190 Severability. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-190, filed 6/9/89.] Repealed by 05-07-066, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-34-010 Primary purpose. In order to protect the integrity of horse racing in the state of Washington, and to protect the safety of the public and all participants, the Washington horse racing commission intends to regulate the use of any illegal controlled substances and the use of alcohol by licensees at all race meets. This chapter shall be applicable to all licensees or applicants on the grounds of any racetrack during its licensed race meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-064, § 260-34-010, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-010, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-010, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-010, filed 4/15/88.]

WAC 260-34-020 Drug and alcohol violations. No licensee or applicant, while acting in an official capacity or participating directly in horse racing, shall commit any of the following violations:

- (1) Be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet;
- (2) Engage in the illegal sale or distribution of alcohol;
- (3) Engage in the illegal sale or distribution of a controlled substance or possess an illegal controlled substance with intent to deliver;
- (4) Possess an illegal controlled substance;
- (5) Possess on the grounds of any licensed race meet any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance; or
- (6) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

Failure to provide a blood, breath and/or urine sample when directed or intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, shall be considered a refusal to submit to a test.

"Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a

controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington shall not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-008, § 260-34-020, filed 3/8/07, effective 4/8/07; 06-07-064, § 260-34-020, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-020, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

WAC 260-34-030 Testing. (1) A steward of the horse racing commission, a commission security investigator or the executive secretary, may require any licensee or applicant to provide breath blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation within five years of conviction or release from a correctional institution for that violation. The term "correctional institution" shall include any prison, jail or similar institution in this state or elsewhere.

(c) When a steward or commission security investigator decides to test any licensee or applicant as a condition of any conditional or probationary license.

(d) When any person is riding a horse on the grounds of a licensed racing association.

(2) For licensees or applicants who are subject to a field screening urine test under the provisions in this chapter, and whose test shows the presence of a controlled substance or alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument approved by the state toxicologist in chapter 448-15 WAC or other breath test equipment approved under chapter 448-16 WAC shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has violated a prohibition on the use or consumption of alcohol established in a conditional license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-34-030, filed 3/13/08, effective 4/13/08. Statutory Authority: RCW 67.16.020. 07-03-064, § 260-34-030, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-064, § 260-34-030, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-030, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

Chapter 260-36 WAC**LICENSES****WAC**

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| 260-36-010 | License required. |
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| 260-36-200 | Application for owner's license by trainer or other licensee. |
| 260-36-210 | Owner's license. |
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| 260-36-230 | Short duration industrial insurance coverage. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 260-36-020 | Licenses required of jockeys, apprentices, owners, trainers. [Statutory Authority: RCW 67.16.020, 04-24-019, § 260-36-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040, 89-13-007 (Order 89-03), § 260-36-020, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-020, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-020, filed 6/25/82; Rules of racing, § 245, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-040 | Registration of personnel other than owners, trainers and jockeys—Fee. [Statutory Authority: RCW 67.16.020, 04-24-019, § 260-36-040, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040, 02-10-101, § 260-36-040, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 67.16.020 and 67.16.040, 89-13-007 (Order 89-03), § 260-36-040, filed 6/9/89; 87-15-019 (Resolution No. 87-02), § 260-36-040, filed 7/8/87; 86-09-072 (Order 86-02), § 260-36-040, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-040, filed 6/25/82; Rules of racing, § 343, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-070 | Licenses temporary subject to commission approval. [Rules of racing, § 346, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-090 | Duplicate license cards. [Statutory Authority: RCW 67.16.020 [67.16.020] and 67.16.040, 82-14-012 (Order 82-05), § 260-36-090, filed 6/25/82; Rules of racing, § 344, filed 4/21/61.] Repealed by 04-24-019, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020. |
| 260-36-130 | Revocation for association with disreputable persons. [Rules of racing, § 380, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-140 | Harboring person not having credentials. [Rules of racing, § 353, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-160 | Personnel lists. [Rules of racing, §§ 355, 356 and 357, filed 4/21/61.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-36-190 | Facsimile for owners may be used. [Statutory Authority: RCW 67.16.020 and 67.16.040, 91-03-033, § 260-36-190, filed 1/9/91, effective 1/22/91.] Repealed by 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |

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WAC 260-36-010 License required. (1) Any person acting in an official capacity or any person participating directly in horse racing must have a valid license, except as provided in subsection (2) of this section.

(2) The following persons are not required to have a license:

(a) Commissioners and employees of the commission;

(b) Persons employed by a racing association who only perform duties of concessions, housekeeping, parking, food and beverage, landscaping or similar functions, and do not act in an official capacity or participate directly in horse racing; and

(c) Persons employed by an out-of-state racing association and holding a valid license from a recognized racing jurisdiction, who work for a Class A or B racing association as parimutuel clerks for a period not to exceed eight days total in any calendar year.

(3) Decisions regarding who is required to be licensed, if not addressed in this chapter, will be made by the executive secretary. It is a violation of these rules for any person to act in an official capacity or participate directly in horse racing unless licensed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 07-15-041, § 260-36-010, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-010, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-010, filed 2/9/06, effective 3/12/06. Rules of racing, § 348, filed 4/21/61.]

WAC 260-36-015 Age requirement for license. Applicants for licensing must be at least fourteen years of age unless otherwise specified. An applicant may be required to submit a certified copy of his/her birth certificate.

[Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-015, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-015, filed 2/9/06, effective 3/12/06.]

WAC 260-36-030 Veterinarians—License required. Veterinarians licensed by the commission may also apply for a trainer's license. A licensee holding a veterinarian and a trainer's license is subject to the following restrictions:

(1) The licensee may treat, using veterinary methods, only those horses for which he/she is the trainer of record.

(2) Notwithstanding subsection (1) of this section, during an emergency on the grounds of the racing association, the licensee may respond and assist at the scene of the emergency. Any veterinary treatment provided at the scene must be reported in writing to the official veterinarian. The report will include, at a minimum, the names of horses treated and treatment rendered. The report must be filed by the next race day's first race.

[Statutory Authority: RCW 67.16.020, 07-01-052, § 260-36-030, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-05-039, § 260-36-030, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020, 04-24-019, § 260-36-030, filed 11/22/04, effective 12/23/04; 04-15-039, § 260-36-030, filed 7/12/04, effective 8/12/04. Statutory Authority: RCW 67.16.040, 91-24-085, § 260-36-030, filed 12/4/91, effective 1/4/92. Statutory Authority: RCW 67.16.020 and 67.16.040, 89-13-007 (Order 89-03), § 260-36-030, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-030, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-030, filed 6/25/82. Rules of racing, § 350, filed 4/21/61.]

WAC 260-36-050 Application for license. All applications for a license must be made to the commission on

[Title 260 WAC—p. 41]

approved forms. It is a violation of these rules for any person applying for a license to provide false information or fail to provide accurate and complete information. Persons completing an application are responsible for the accuracy and completeness of the information contained on the application. Applicants may be required to have their photograph taken. The commission, executive secretary, stewards, or security investigators, in their discretion, may require a photograph from any applicant or licensee at any time.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-050, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-050, filed 2/9/06, effective 3/12/06. Rules of racing, § 351, filed 4/21/61.]

WAC 260-36-060 Application for license—Stewards' review. (1) Applications for an initial license submitted by trainers, assistant trainers, jockeys, apprentice jockeys, jockey agents, exercise riders, pony riders, or outriders must be reviewed by a steward to determine if the applicant is qualified for the license requested.

(a) All assistant trainers must also obtain a groom license.

(b) Jockeys must have an exercise rider license to perform exercise rider duties.

(2) The determination whether an applicant is qualified for the license will be made by a steward based on review of the application, and, at the discretion of the steward, the applicant may also be required to do one or more of the following:

(a) Pass a written exam;

(b) Appear for an oral interview either in person or by phone; or

(c) Demonstrate skills required for the license.

If a steward determines that an applicant is not qualified to receive the license requested, the applicant will be notified and provided an opportunity to request a stewards' ruling conference on that issue.

(3) If an applicant has been previously determined, within the past five years, to be qualified for the license requested, review of the applicant's qualifications for that license is not necessary for subsequent license applications for the same type of license. An applicant may be determined to be qualified for the license requested if that person has been licensed in this state or other recognized jurisdiction in the past five years.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-060, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-060, filed 2/9/06, effective 3/12/06. Rules of racing, § 352, filed 4/21/61.]

WAC 260-36-062 Fitness to participate. (1) All applicants for a jockey, apprentice jockey, exercise rider, pony rider or outrider license must certify on their application that they are physically fit to ride.

(2) During the conduct of a race meet, if the board of stewards finds that a threat to the public health, safety or welfare requires emergency action, the board of stewards may require a jockey, apprentice jockey, exercise rider, pony rider or outrider to provide a physician's written statement verifying fitness to ride before being allowed to ride in a race or on the grounds of the racing association.

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[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-062, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-062, filed 2/9/06, effective 3/12/06.]

WAC 260-36-065 Approval of application for license.

The procedure for processing license applications will be determined by the executive secretary.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-065, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-065, filed 2/9/06, effective 3/12/06.]

WAC 260-36-080 Duration of a license. (1) Every license issued by the commission will be for a term not exceeding one year. Licenses expire on December 31st of each year except as otherwise provided in this rule.

(2) Licenses issued to employees of a racing association will be for a term of one year and expire on the last day of February of each year.

(3) A license will be considered expired as of the date a licensee is no longer performing the activities for which he or she was licensed, or, if applicable, the date the licensee is no longer employed by the employer who hired the licensee. The commission or its designee may, at its sole discretion, reinstate such a license if the licensee is reemployed or begins performing the activities for which he or she was licensed prior to the end of the license period for which the license had been originally issued.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-080, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-080, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-080, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 94-04-002, § 260-36-080, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.-020 and 67.16.040. 86-09-072 (Order 86-02), § 260-36-080, filed 4/21/86. Rules of racing, § 345, filed 4/21/61.]

WAC 260-36-085 License and fingerprint fees. The following are the license fees for any person actively participating in racing activities:

| | |
|--------------------------------------|----------|
| Apprentice jockey | \$76.00 |
| Assistant trainer | \$36.00 |
| Association employee—management | \$25.00 |
| Association employee—hourly/seasonal | \$15.00 |
| Association volunteer nonpaid | No fee |
| Authorized agent | \$25.00 |
| Clocker | \$25.00 |
| Exercise rider | \$76.00 |
| Groom | \$25.00 |
| Honorary licensee | \$15.00 |
| Jockey agent | \$76.00 |
| Jockey | \$76.00 |
| Other | \$25.00 |
| Owner | \$76.00 |
| Pony rider | \$76.00 |
| Service employee | \$25.00 |
| Spouse groom | \$25.00 |
| Stable license | \$47.00 |
| Trainer | \$76.00 |
| Vendor | \$116.00 |
| Veterinarian | \$116.00 |

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The license fee for multiple licenses may not exceed \$116.00, except persons applying for owner, veterinarian or vendor license must pay the license fee established for each of these licenses.

The following are examples of how this section applies:

Example one - A person applies for the following licenses: Trainer (\$76.00), exercise rider (\$76.00), and pony rider (\$76.00). The total license fee for these multiple licenses would only be \$116.00.

Example two - A person applies for the following licenses: Owner (\$76.00), trainer (\$76.00) and exercise rider (\$76.00). The total cost of the trainer and exercise rider license would be \$116.00. The cost of the owner license (\$76.00) would be added to the maximum cost of multiple licenses (\$116.00) for a total license fee of \$192.00.

Example three - A person applies for the following licenses: Owner (\$76.00), vendor (\$116.00), and exercise rider (\$76.00). The license fees for owner (\$76.00) and vendor (\$116.00) are both added to the license fee for exercise rider (\$76.00) for a total license fee of \$268.00.

In addition to the above fees, except for association volunteers (nonpaid) at Class C race meets, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually per person regardless of whether the person applies for more than one type of license in that year.

The commission will review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-087, § 260-36-085, filed 2/15/08, effective 3/17/08; 07-21-059, § 260-36-085, filed 10/12/07, effective 11/12/07. Statutory Authority: RCW 67.16.020. 07-01-054, § 260-36-085, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-085, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-085, filed 11/22/04, effective 12/23/04.]

WAC 260-36-100 Fingerprints. Every person applying for a license must furnish the commission his or her fingerprints upon making an initial application for a license and at least once every three years thereafter. However, the commission, executive secretary, stewards, or security investigators, in their discretion, may require fingerprints from any applicant or licensee at any time. If an applicant fails to furnish fingerprints, the stewards may suspend the license or deny, and/or assess a fine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-087, § 260-36-100, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-100, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-100, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-100, filed 11/22/04, effective 12/23/04. Rules of racing, § 349, filed 4/21/61.]

WAC 260-36-110 Display of license. (1) Licensees must present their license when requested to do so by racing association security personnel or commission employees.

(2) The commission may require licenses to be displayed in plain view while on association grounds.

(3) Every licensee must have his/her commission license in his/her immediate possession at all times when in any

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restricted area of racing association grounds, acting in an official capacity or participating directly in horse racing.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-110, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-110, filed 2/9/06, effective 3/12/06; 81-15-034 (Order 81-06), § 260-36-110, filed 7/10/81. Rules of racing, § 28, filed 4/21/61.]

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1) The commission or its designee may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant licensee, or other person:

(a) Has been convicted of violating any law regarding gambling or a controlled substance;

(b) Has pending misdemeanor or gross misdemeanor criminal charges, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

(c) Has failed to meet the minimum qualifications required for the license for which they are applying;

(d) Has failed to disclose or states falsely any information required in the application;

(e) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

(f) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

(g) Has been or is currently excluded from a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

(h) Has had a license denied by any racing jurisdiction;

(i) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or who may interfere or has interfered with the orderly conduct of a race meeting;

(j) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

(k) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

(l) Has violated any of the provisions of chapter 67.16 RCW;

(m) Has violated any provisions of Title 260 WAC;

(n) Has association with persons of known disreputable character; or

(o) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060.

(2) The commission or its designee must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) Has been convicted of any felony crime against a person. "Crime against a person" means a conviction for any offense enumerated in chapters 9A.32, 9A.36, 9A.40, 9A.42, and 9A.44 RCW, or an offense which would constitute an offense enumerated in those chapters if committed in Washington state;

(b) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter

69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years;

(c) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW, or a felony drug crime which would constitute an offense enumerated in those chapters if committed in Washington state;

(d) Has been convicted of any other felony crime within the past ten years. Other felony crime includes any felony conviction not listed in (a), (b), and (c) of this subsection. This also includes an offense committed in another jurisdiction, which would constitute a felony if committed in Washington state;

(e) Has five or more convictions for gross misdemeanors within the last three years, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;

(f) Is subject to current prosecution or pending charges for any felony crime;

(g) Has any felony conviction under appeal;

(h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;

(i) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or

(j) Has any outstanding arrest warrants.

(3) In considering a challenge of a decision denying or revoking a license pursuant to subsection (2) of this section, the commission may only reverse the denial or revocation on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.

(4) A license suspension or revocation will be reported in writing to the applicant or licensee and the Association of Racing Commissioners International, Inc.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-120, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-120, filed 2/9/06, effective 3/12/06; 05-05-047, § 260-36-120, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. 04-07-075, § 260-36-120, filed 3/15/04, effective 4/15/04. Rules of racing, § 347, filed 4/21/61; sub. (2) added as rule § 347(a), filed 1/21/64.]

WAC 260-36-150 Employing or harboring an unlicensed person. No racing association or licensee may employ an unlicensed person in a position for which a license is required by these rules. No licensee may harbor any unlicensed person in the restricted areas on the grounds of any class A or B racing association.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-150, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-150, filed 2/9/06, effective 3/12/06. Rules of racing, § 354, filed 4/21/61.]

WAC 260-36-180 Authority to search. In order to protect the integrity of horse racing and to protect the interests and safety of the public and participants, the commission and its employees have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been

granted a license by the commission, by accepting a license, authorizes the commission or its employees to search his/her person and the areas indicated herein and to seize any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the board of stewards must revoke his/her license and refer the matter to the commission.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-180, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-180, filed 2/9/06, effective 3/12/06; 05-05-043, § 260-36-180, filed 2/14/05, effective 3/17/05; 81-09-075 (Order 81-03), § 260-36-180, filed 4/22/81.]

WAC 260-36-200 Application for owner's license by trainer or other licensee. (1) A trainer, or other licensee approved by the stewards, may submit an application for an owner's license on behalf of an owner. Upon submitting such application, the licensee must pay all license fees and required labor and industries premiums.

(2) Within fourteen days of the licensee's submission of a license application on behalf of an owner, the owner must complete the license application process by providing fingerprints, a photograph, and any other information required by the commission. If the owner fails to complete the application process within fourteen days, the board of stewards may suspend the owner's license and/or assess a fine to the licensee found responsible.

(3) No horse may start in a race if the horse is owned in whole or in part by an owner who has failed to complete the owner's application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-087, § 260-36-200, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-200, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-200, filed 2/9/06, effective 3/12/06; 05-09-045, § 260-36-200, filed 4/18/05, effective 5/19/05; 91-03-033, § 260-36-200, filed 1/9/91, effective 1/22/91.]

WAC 260-36-210 Owner's license. There is no age limitation for a person to apply for and be granted an owner's license, except that persons under the age of eighteen must have a parent or guardian assume financial responsibility for them.

[Statutory Authority: RCW 67.16.020. 07-01-052, § 260-36-210, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-05-039, § 260-36-210, filed 2/9/06, effective 3/12/06.]

WAC 260-36-220 Industrial insurance premiums—Additional premiums for stalls and horses started. (1) At the time of licensing, a trainer must pay all the industrial insurance premiums established by labor and industries, unless exempted under WAC 260-36-240.

(2)(a) A trainer at a Class A or B track must pay industrial insurance premiums based upon the number of stalls the trainer has both on and off the grounds of a racing association. All trainers at a Class A or B track are required to pay at least one stall premium at the time of licensing. As to stalls off the grounds of a racing association, a trainer must count all stalls that are used for horses subject to being ridden by licensed exercise riders employed by the trainer, if the exercise riders are to be covered by Washington labor and industries industrial insurance under the horse industry account.

(b) The calculations for number of stalls will be based upon stalls allotted by the racing association.

(c) The number of stall premiums that a trainer is required to pay will be determined as follows:

(i) For zero to twelve stalls a trainer must pay for one stall premium;

(ii) For thirteen to twenty-four stalls a trainer must pay for two stall premiums;

(iii) For twenty-five to thirty-six stalls a trainer must pay for three stall premiums; and

(iv) For thirty-seven or more stalls a trainer must pay for four stall premiums.

(d) If any trainer increases the number of stalls, on or off the grounds, during the license year, the trainer is responsible to pay the additional stall premiums owed as provided in this section.

(3)(a) A trainer at a Class C track must pay industrial insurance horse-start premiums based upon the number of different horses the trainer starts at the Class C tracks during the calendar year. All trainers at a Class C track are required to pay at least one horse-start premium.

(b) The number of horse-start premiums a trainer is required to pay will be determined as follows:

(i) For zero to twelve different horses started, a trainer must pay for one horse-start premium;

(ii) For thirteen to twenty-four different horses started, a trainer must pay for two horse-start premiums;

(iii) For twenty-five to thirty-six different horses started, a trainer must pay for three horse-start premiums; and

(iv) For thirty-seven or more different horses started, a trainer must pay for four horse-start premiums.

(c) If, during the calendar year, a horse is started by more than one trainer, that horse will count as a different horse for each trainer for the purpose of calculating the number of horse-start premiums required.

(d) The trainer is responsible to maintain their records of the number of different horses started, and to pay the additional horse-start premiums owed, when they increase the number of different horses started in a race as described in this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-087, § 260-36-220, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.-020.] 07-01-051, § 260-36-220, filed 12/14/06, effective 1/14/07.]

WAC 260-36-230 Short duration industrial insurance coverage. (1) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage under the following conditions:

(a) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent for each groom slot obtained, assistant trainer hired, and each industrial insurance stall premium as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class A or B race meets. A trainer may only purchase Class A or B race meet short duration coverage for three seven-day periods per calendar year.

(b) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven

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consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent of each groom slot obtained, assistant trainer hired, and each industrial insurance horse-start premium as required in WAC 260-36-220 (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums for Class C race meets. A trainer may only purchase Class C race meet short duration coverage for three seven-day periods per calendar year. Class C race meet short duration industrial insurance coverage is not transferable to a Class A or B race meet.

(2) Before short duration coverage will be allowed, a trainer must obtain a license and pay all applicable license and fingerprint fees required in WAC 260-36-085. The trainer is also required to ensure that each groom, assistant trainer, pony rider, and exercise rider hired by the trainer has a proper license. A trainer may only employ persons on the grounds of the racing association who are properly licensed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-087, § 260-36-230, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-230, filed 12/14/06, effective 1/14/07.]

WAC 260-36-240 Industrial insurance coverage—Reciprocal agreements. The state of Washington has reciprocal agreements with other states. Trainers shipping in from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12.-120 and WAC 296-17-31009.

[Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-240, filed 12/14/06, effective 1/14/07.]

Chapter 260-37 WAC

LIVE HORSE RACING COMPACT

WAC

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| 260-37-010 | Use of compact committee license—Fee. |
| 260-37-020 | Payment of compact committee license use fee. |
| 260-37-030 | Compact licensees bound by rules. |

WAC 260-37-010 Use of compact committee license—Fee. (1) A person holding a valid compact committee license issued under chapter 67.17 RCW who intends to participate in horse racing in Washington must pay a fee for the use of the compact committee license equal to the cost of the same type of license listed in WAC 260-36-085. The fee will be paid to the compact committee, which will forward any such fees collected to the commission at least monthly.

(2) A person holding a valid compact committee license is exempt from paying the fingerprint fee listed in WAC 260-36-085.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-010, filed 3/8/07, effective 4/8/07.]

WAC 260-37-020 Payment of compact committee license use fee. The compact committee designated in chapter 67.17 RCW is authorized to make payments to the commission on a monthly payment basis for the license fees charged by the commission to persons for use of their compact committee license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-020, filed 3/8/07, effective 4/8/07.]

WAC 260-37-030 Compact licensees bound by rules.

All requirements of Title 260 WAC are applicable to persons holding a compact committee license, except where incompatible with the intent of chapter 67.17 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-009, § 260-37-030, filed 3/8/07, effective 4/8/07.]

Chapter 260-40 WAC

ENTRIES, STARTS, NOMINATIONS AND SCRATCHES

WAC

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| 260-40-010 | Nominations and scratches. |
| 260-40-020 | Entry prerequisite to start. |
| 260-40-030 | Racing secretary to receive entries and nominations. |
| 260-40-040 | Making entries and nominations. |
| 260-40-045 | Authority to represent owner. |
| 260-40-050 | Ownership interest required—Entries and nominations. |
| 260-40-055 | Jockey to be named at the time of entry. |
| 260-40-065 | Coupled and multiple entries. |
| 260-40-070 | Description and identification of horse. |
| 260-40-075 | Required to declare weight, medication, and required equipment changes at the time of entry. |
| 260-40-090 | Registration certificate. |
| 260-40-100 | Performance records. |
| 260-40-105 | Workouts and identification. |
| 260-40-110 | Horse must be in care of and saddled by a licensed trainer. |
| 260-40-120 | Identification prerequisite to start. |
| 260-40-130 | Horses must be on the grounds prior to racing. |
| 260-40-140 | Horse must be eligible to start at time of entry. |
| 260-40-145 | Prohibiting entry of certain horses. |
| 260-40-160 | Horse owned or managed by disqualified person. |
| 260-40-170 | Horse on starter's schooling list. |
| 260-40-180 | Horse on veterinarian's list. |
| 260-40-185 | Reporting alteration of sex. |
| 260-40-210 | Withdrawal, change, of unclosed race. |
| 260-40-220 | Race declared off—Split of overnight race. |
| 260-40-230 | Subscription to sweepstakes. |
| 260-40-240 | Entrance, nomination, and starting fees. |
| 260-40-245 | Refunds when stake race declared off. |
| 260-40-250 | Closing time for entries and nominations. |
| 260-40-260 | Number of entries and starters. |
| 260-40-270 | Alterations, corrections, after closing. |
| 260-40-275 | Postponement from day to day. |
| 260-40-280 | Impaired horses. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-40-060 | Joint subscriptions and entries. [Rules of racing, § 98, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-40-080 | Refusal of entries and transfers. [Rules of racing, § 100, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-40-150 | Compliance with partnership registration. [Rules of racing, § 109, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-40-190 | Sale to disqualified person voids engagements. [Rules of racing, § 115, filed 4/21/61.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-40-200 | Double entries. [Statutory Authority: RCW 67.16.020 and 67.16.040. 83-16-075 (Order 83-02), § 260-40-200, filed 8/3/83; 80-01-034 (Order 79-06), § 260-40-200, filed 12/17/79; Rules of racing, § 116, filed 4/21/61; revised 5/4/62, filed 1/21/64.] Repealed by 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-40-010 Nominations and scratches. (1) A horse may not be considered nominated or scratched out of an engagement until the owner, trainer or designee provides written notice to the racing secretary before the time set by the association.

(2) For stake races, if a horse is not named through the entry box before the close of entries for that race, the horse is automatically out.

(3) If the validity of any nomination is alleged, the complainant must provide satisfactory proof of the error that is alleged; otherwise, the nomination will be accepted.

(4) Any owner, trainer, or designee who has entered a horse will be allowed the right to scratch the horse from the race entered prior to the published scratch time, until no fewer than eight interests remain in the race. If there are more requests to scratch than are available, permission to scratch must be decided by lot. However, in all races involving the daily double, no entry may be scratched that would reduce the starting field to less than the number designated by the racing secretary, without permission of the board of stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the board of stewards.

(5) All horses must be scratched by the designated scratch time set by the association, and consistent with subsection (1) of this section.

(6) If the racing secretary does not designate a scratch time, no horse will be allowed to scratch without permission of the board of stewards.

(7) The scratch of a horse out of an engagement is irrevocable.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-010, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 82 through 87, filed 4/21/61.]

WAC 260-40-020 Entry prerequisite to start. A horse may not start in any race unless the horse has been properly entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-020, filed 3/8/07, effective 4/8/07; Rules of racing, § 93, filed 4/21/61.]

WAC 260-40-030 Racing secretary to receive entries and nominations. (1) The racing secretary is the person authorized to receive entries and nominations for all races, except as provided in WAC 260-40-250(2).

(2) The racing secretary may refuse the entry of any person, or the transfer of any entry for reasons deemed, by the racing secretary, to be in the best interest of racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-030, filed 3/8/07, effective 4/8/07; Rules of racing, § 94, filed 4/21/61.]

WAC 260-40-040 Making entries and nominations. (1) Entries and nominations must be made in writing and signed by the owner, trainer or designee. Each association will provide blank forms on which entries and declarations are made.

(2) Entries may be made by telephone but must be confirmed in writing prior to the closing of entries.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-040, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 95, 96, filed 4/21/61.]

WAC 260-40-045 Authority to represent owner. A trainer may represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-045, filed 3/8/07, effective 4/8/07.]

WAC 260-40-050 Ownership interest required—Entries and nominations. (1) The majority ownership interest must approve the nomination or entry of any horse into a race.

(2) The person with a majority ownership interest in a horse, or the authorized agent or managing owner, as provided in WAC 260-28-080, must approve the nomination or entry of the horse into a race.

(3) All owners of a horse are individually and collectively responsible for any fees resulting from nominations, entries, or starting fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-050, filed 3/8/07, effective 4/8/07; Rules of racing, § 97, filed 4/21/61.]

WAC 260-40-055 Jockey to be named at the time of entry. Prior to the close of entries, an owner, trainer, or authorized agent must furnish the name of the jockey who is to ride in the race. If the jockey named on the entry at the time of the draw does not accept the mount, the stewards may name a replacement jockey.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-055, filed 3/8/07, effective 4/8/07.]

WAC 260-40-065 Coupled and multiple entries. (1) Two or more horses owned or leased in whole or part by the same owner must be joined as a coupled entry and single betting interest when entered in the same race. Coupled entries may be uncoupled in stakes races. Common ownership entries may be uncoupled in stakes races with the approval of the board of stewards.

(2) A coupled entry may not exclude a single entry, except in a race where the conditions are specific as to preference.

(3) At the time of making a same ownership entry, the trainer, owner, or authorized agent must select which horse will run in the event the coupled entry is not allowed.

(4) A trainer, owner, or authorized agent may not enter and start more than two horses of the same or separate ownership in a purse race or overnight event, except under the following conditions:

(a) Stake races;

(b) Races in which there are fees required to nominate or enter; and

(c) Allowance/optional claiming or maiden special weight races. In these races a trainer may not enter more than three horses. The third entry may not exclude a single entry, or be allowed if there are less than seven entries received prior to the entry of the trainer's third horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-065, filed 3/8/07, effective 4/8/07.]

WAC 260-40-070 Description and identification of horse. (1) When entering a horse for the first time, the person making the entry must furnish the name, color, sex, and age of the horse, and the name of its sire and dam, as shown on

the registration certificate. This description must be repeated on every entry until a description of the horse has been published in the official program, or the list of entries of the association. On every entry after such publication, the horse's name and age will be sufficient.

(2) All horses must have their complete description and a corresponding program number listed in the official racing program.

(3) For racing and programming purposes, horses will be designated as follows:

(a) Male - horse, colt, gelding or ridgling; or

(b) Female - filly or mare.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 99, filed 4/21/61; Subsections (2) and (3) added, filed 3/11/65.]

WAC 260-40-075 Required to declare weight, medication, and required equipment changes at the time of entry. (1) The owner, trainer, or authorized agent is responsible to declare any weight allowances, including apprentice jockey allowances, at the time of entry. The weight declared at time of entry cannot be reduced after the posting of entries.

(2) The person who enters the horse is responsible to list permitted medications and equipment changes at the time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-075, filed 3/8/07, effective 4/8/07.]

WAC 260-40-090 Registration certificate. No horse may be allowed to start unless a Jockey Club registration certificate, American Quarter Horse Association certificate of registration, or other applicable breed certificate of registration is on file in the office of the racing secretary, except that the stewards may waive this requirement, if the horse is otherwise properly identified and the horse is not entered for a claiming prize.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-090, filed 3/8/07, effective 4/8/07; Order 3, § 260-40-090, filed 5/12/69; Rules of Racing, § 101, filed 4/21/61.]

WAC 260-40-100 Performance records. (1) The owner and/or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track must furnish the racing secretary, prior to the entry of such horse in a race in this state, performance records of said horse's races during the past year or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, with the exception of its maiden win, will not be penalized for such winnings in races run at any other race meet other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse, which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, will not be penalized for such winnings except at Class C tracks. All winnings in races conducted outside the state of Washington and under the authority of a recognized racing jurisdiction will count with regards to a horse's eligibility.

For other breeds, all wins, including the maiden wins, will be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian Jockey Club, the American Quarter Horse Association, the Appaloosa Horse Club, or other breed registry recognized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase will be published in the official program of the racing association or posted and announced.

(4) All wins will be considered in eligibility requirements of horses running at Class C racing association meets.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-100, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. 04-09-026, § 260-40-100, filed 4/13/04, effective 5/14/04. Statutory Authority: RCW 67.16.040. 00-07-039, § 260-40-100, filed 3/6/00, effective 4/6/00; 95-18-016, § 260-40-100, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

WAC 260-40-105 Workouts and identification. (1)

No horse may be permitted to enter or start in a race whose recent workouts have not been properly recorded with the commission.

(2) A horse, which has not started for a period of sixty days or more will be ineligible to race until the horse has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered and the workout must have occurred within thirty days of race day.

(a) A horse that has never started in a recognized race must have two official workouts, one of which must be recorded from the starting gate, and at least one workout must have occurred within thirty days of race day.

(b) The association may impose more stringent workout requirements prior to entries.

(3) The trainer or exercise rider must report the name, distance, and starting point, for each horse scheduled for a workout to the clocker immediately prior to working.

(4) A horse may not be taken onto the track for training or a workout except during the hours designated by the association. When association grounds are open for training, a licensed clocker or commission clocker must be present for any workouts to be considered official. If no clocker is present, the horse may train, but the workout will not be accepted as an official workout.

(5) During a racing association's scheduled race meet and training dates, workouts occurring off the grounds will only be accepted for the purposes of that meet if recorded and submitted to the racing secretary and/or commission by a licensed clocker.

(6) The association must furnish to the public information on all official workouts not listed in the daily racing form prior to the start of the race for which the horse is entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-105, filed 3/8/07, effective 4/8/07.]

WAC 260-40-110 Horse must be in care of and saddled by a licensed trainer. (1) No person may start a horse

in a race unless the horse is under the care of a trainer licensed at the race meet.

(2) No horse may start in a race unless the licensed trainer saddles the horse. The stewards may approve a substitute trainer who may saddle the horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 104, filed 4/21/61.]

WAC 260-40-120 Identification prerequisite to start.

(1) No horse may start that has not been properly identified.

(2) All horses must be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner that meets the standards of the National Crime Information Center.

(3) No horse may start unless ownership is first established.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-120, filed 3/8/07, effective 4/8/07; 81-15-034 (Order 81-06), § 260-40-120, filed 7/10/81; Rules of racing, § 105, filed 4/21/61.]

WAC 260-40-130 Horses must be on the grounds prior to racing. Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:

(1) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post time of the race the horse is entered for racing, whichever is earlier.

(2) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 106, filed 4/21/61.]

WAC 260-40-140 Horse must be eligible to start at time of entry. All horses must be eligible to start at time of entry, as determined by conditions established by the racing secretary's published condition book or conditions for late extra races offered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-140, filed 3/8/07, effective 4/8/07; Rules of racing, § 108, filed 4/21/61.]

WAC 260-40-145 Prohibiting entry of certain horses.

(1) No horse will be allowed to enter or start if it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission.

(2) No horse may be allowed to enter or start if its owner, lessor(s), or trainers have not been licensed as required by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-145, filed 3/8/07, effective 4/8/07; Order 73.7, § 260-40-145, filed 12/3/73.]

WAC 260-40-160 Horse owned or managed by disqualified person. (1) A horse may not be entered or start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

(2) An entry from a disqualified person or for a disqualified horse must be deemed void and any fees paid must be paid to the winner.

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, it is presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse. The presumption may be rebutted upon presenting satisfactory evidence to the board of stewards that the disqualified person has no financial interest in the horse, and is not involved in managing the horse.

(4) If a horse is sold to a disqualified person, the horse's racing engagements will be void effective the date of the sale.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-160, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. 04-07-076, § 260-40-160, filed 3/15/04, effective 4/15/04; Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

WAC 260-40-170 Horse on starter's schooling list.

No horse on the starter's schooling list shall be entered for a race.

[Rules of racing, § 113, filed 4/21/61.]

WAC 260-40-180 Horse on veterinarian's list.

A horse on the veterinarian's list may not be entered, or start in a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-180, filed 3/8/07, effective 4/8/07; Rules of racing, § 114, filed 4/21/61.]

WAC 260-40-185 Reporting alteration of sex.

Any alteration in the sex of a horse must be reported by the trainer to the racing secretary within seventy-two hours of the procedure. The racing secretary will note the alteration on the foal registration certificate and report the alteration to the Jockey Club.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-185, filed 3/8/07, effective 4/8/07; Order 4, § 260-40-185, filed 12/24/69.]

WAC 260-40-210 Withdrawal, change, of unclosed race.

The association shall have the right to withdraw or change any unclosed race.

[Rules of racing, § 117, filed 4/21/61.]

WAC 260-40-220 Race declared off—Split of overnight race.

If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post positions.

[Rules of racing, § 118, filed 4/21/61.]

WAC 260-40-230 Subscription to sweepstakes.

An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.

[Rules of racing, § 119, filed 4/21/61.]

**WAC 260-40-240 Entrance, nomination, and start-
ing fees.**

(1) A horse may not start in a race unless all stake or entrance fees required for that race have been paid.

(2) Nomination and entrance fees may not be refunded due to the death of a horse, or a horse's failure to start.

(2009 Ed.)

(3) The owner is liable for the nomination and/or entrance fees. The death of a horse or a mistake in its entry does not release the owner from having to pay these fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-240, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 120, 121, 122, filed 4/21/61.]

WAC 260-40-245 Refunds when stake race declared off.

If a stake race is declared off, all nomination and entry fees paid in connection with that race will be refunded.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-112, § 260-40-245, filed 5/18/07, effective 6/18/07.]

WAC 260-40-250 Closing time for entries and nominations.

(1) Entries and nominations will be closed at an advertised date and/or time, and no entries or nominations will be accepted thereafter. The racing secretary, however, with the consent of the stewards, may postpone closing of overnight races.

(2) Entries and nominations close at the office of the racing secretary. Closing for restricted breed association sponsored stake races may close at the office of the association sponsoring the stake race if advertised in the conditions.

(3) When a time for closing is designated, entries and nominations will not be accepted thereafter. In the event that a time is not designated, they may be mailed or faxed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(4) If an entry or nomination is alleged to be invalid, satisfactory proof that it was entered, mailed, or faxed must be presented to the board of stewards within a reasonable time or the complaint will not be allowed.

(5) Entries that have closed must be compiled without delay by the racing secretary and conspicuously posted.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-250, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 123, 124, 125, 126, 127, filed 4/21/61.]

WAC 260-40-260 Number of entries and starters.

(1) In a stake race, all horses duly nominated may enter.

(2) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair and equal start.

(3) A list of names not to exceed six may be drawn from the overflow entries in any purse race and listed as also eligible to start if originally carded horses are withdrawn. The order in which such horses are drawn will determine their eligibility to start. Their post position will be determined as provided by WAC 260-52-020. Any owner, trainer, or authorized agent having a horse so eligible and who does not wish to start, must file a scratch card not later than the scratch time designated for that day, or seek permission from the stewards to scratch as required by WAC 260-40-010.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-260, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 128, 129, 130, filed 4/21/61.]

WAC 260-40-270 Alterations, corrections, after closing. No alteration shall be made in any entry after closing of entries, but an error may be corrected.

[Rules of racing, § 131, filed 4/21/61.]

WAC 260-40-275 Postponement from day to day. The stewards may postpone a race from day to day until an off day intervenes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-11-112, § 260-40-275, filed 5/18/07, effective 6/18/07.]

WAC 260-40-280 Impaired horses. An owner or trainer may not enter or start a horse that:

(1) Is not in physically sound and competitive racing condition.

(2) Has been trachea-tubed.

(3) Has been nerved except as provided in (a) and (b) of this subsection.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the prerace veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

(4) Has impaired eyesight in both eyes.

(5) Has been treated by extracorporeal shock wave therapy or radial pulse wave therapy other than allowed in WAC 260-70-545(4).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-280, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. 90-19-001, § 260-40-280, filed 9/6/90, effective 10/7/90; Rules of racing, § 177, filed 4/21/61.]

Chapter 260-44 WAC

WEIGHTS AND EQUIPMENT

WAC

| | |
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| 260-44-010 | Equipment changes. |
| 260-44-020 | Minimum weights. |
| 260-44-030 | Penalties and allowances. |
| 260-44-040 | Weighing out—Time for. |
| 260-44-050 | Weighing out—Equipment included in jockey's weight. |
| 260-44-080 | Weighing out—Overweight. |
| 260-44-090 | Weighing out—Trainer responsible for weight. |
| 260-44-100 | Weighing out—Attendants. |
| 260-44-110 | Weighing in—Procedure. |
| 260-44-120 | Weighing in—Weigh in/weigh out—Tolerances—Penalties. |
| 260-44-150 | Horseshoes. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-44-060 | Weighing out—Equipment not included. [Statutory Authority: RCW 67.16.040. 93-23-011, § 260-44-060, filed 11/5/93, effective 12/6/93; Rules of racing, § 302, filed 4/21/61.] Repealed by 06-07-063, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-44-070 | Weighing out—Bridle, whip, maximum weights and measurements. [Statutory Authority: RCW 67.16.040. 00-06-071, § 260-44-070, filed 3/1/00, effective 4/1/00; Rules of racing, § 303, filed 4/21/61.] Repealed by 06-07-063, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040. |

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WAC 260-44-010 Equipment changes. (1) Permission to change any equipment from that which a horse carried in its previous race must be obtained from the stewards.

(2) Permission for a horse to add or remove blinkers must be approved by the starter before being granted by the stewards.

(3) A trainer may tie down a horse's tongue but only with materials that are not dangerous or likely to cause injury to the horse. An official veterinarian will decide any question about the appropriateness of the material used for a tongue-tie. The stewards may monitor the use of tongue-ties.

(4) Whips will be considered standard equipment in all horse races, unless declared at time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-010, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-010, filed 3/10/06, effective 4/10/06; Order 73.1, § 260-44-010, filed 5/18/73. Rules of racing, § 132, filed 4/21/61.]

WAC 260-44-020 Minimum weights. (1) In all overnight races, except handicaps, the minimum weight, subject to sex and apprentice allowances, will be 111 pounds for two- and three-year-old thoroughbreds, 115 pounds for four-year-old and older thoroughbreds. For all other breeds, 116 pounds for two- and three-year-olds, 120 pounds for four-year-old and older.

(2) In all races, except handicap races and races where the conditions expressly state otherwise, the individual authorized to enter a horse may declare the following weight allowances: Two-year-old fillies 3 lbs., and three-year-old and older fillies and mares 5 lbs., before the 1st of September, and 3 lbs., thereafter.

(3) The racing secretary will establish the maximum weight for age in all races in the condition book. Weight allowances are optional and must be declared at time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-040, § 260-44-020, filed 3/13/08, effective 4/13/08; 07-07-035, § 260-44-020, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 296, filed 4/21/61; Subsec. (4) amended, filed 3/11/65.]

WAC 260-44-030 Penalties and allowances. (1) A horse may not carry extra weight or be barred from a race for having run second or lower in a previous race.

(2) Penalty weights and weight allowances are not cumulative, unless provided by the conditions of the race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-030, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-030, filed 3/10/06, effective 4/10/06. Rules of racing, §§ 297, 298, 299, filed 4/21/61.]

WAC 260-44-040 Weighing out—Time for. Every jockey must be weighed for a specified horse not more than thirty minutes before the time fixed for the race.

[Rules of racing, § 300, filed 4/21/61.]

WAC 260-44-050 Weighing out—Equipment included in jockey's weight. (1) The jockey's weight must also include their clothing and boots, and the saddle and its attachments.

(2) The following items may not be included in a jockey's weight: Whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

(2009 Ed.)

(3) Whips must have closed poppers, with a maximum length of four inches and minimum width of one and one-quarter inches. Whips must have three rows of one-inch feathers made of leather or other material approved by the stewards. The maximum length of a whip may not exceed thirty-one inches (including popper). The maximum weight of a whip may not exceed one pound.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-050, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 30, filed 4/21/61.]

WAC 260-44-080 Weighing out—Overweight. (1) If a jockey intends to carry overweight, he/she must declare the amount at the time of weighing out.

(2) If a jockey reports an overweight exceeding two pounds, the owner or trainer has the option to replace the jockey without being assessed a double-jock mount fee. Failure on the part of a jockey to comply with this rule will be reported to the stewards by the clerk of scales.

(3) At Class A or B race meets a horse may not carry more than seven pounds overweight.

(4) Horses at Class C race meets may carry more than seven pounds overweight, up to a maximum weight of one hundred thirty-five pounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-092, § 260-44-080, filed 2/15/08, effective 3/17/08; 07-07-035, § 260-44-080, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-080, filed 3/10/06, effective 4/10/06; 87-15-019 (Resolution No. 87-02), § 260-44-080, filed 7/8/87; Order 75-1, § 260-44-080, filed 2/18/75. Rules of racing, §§ 304, 305, 306, filed 4/21/61.]

WAC 260-44-090 Weighing out—Trainer responsible for weight. The trainer is responsible for the weight carried by his/her horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-090, filed 3/12/07, effective 4/12/07; Rules of racing, § 307, filed 4/21/61.]

WAC 260-44-100 Weighing out—Attendants. Only attendants provided by the association will be permitted to assist jockeys in weighing out.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-063, § 260-44-100, filed 3/10/06, effective 4/10/06. Rules of racing, § 308, filed 4/21/61.]

WAC 260-44-110 Weighing in—Procedure. (1) After a race has been run and after the jockey has pulled up the horse, the jockey must ride promptly to the designated unsaddling area and dismount. The jockey will proceed to the clerk of the scales to be weighed in. If a jockey is prevented from riding his/her mount to the designated unsaddling area because of an accident or of illness to either the jockey or the horse, the jockey may walk or be carried to the scales, or the stewards may excuse the jockey from weighing.

(2) Except by permission of the stewards, every jockey, upon arrival at the designated unsaddling area after a race, must unsaddle the horse he/she has ridden. No person may touch the jockey or the horse except by the horse's bridle, or cover the horse in any manner until the jockey has removed the equipment to be weighed.

(3) No person may assist a jockey in removing from his/her horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(2009 Ed.)

(4) Each jockey must carry over to the scales all pieces of equipment with which he/she weighed out.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-110, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-110, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-110, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 309 through 312, filed 4/21/61.]

WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties. (1) Each jockey will weigh in at the same weight he/she weighed out. If a jockey is short of the weigh out amount by more than two pounds, his/her mount will be disqualified. If a weight discrepancy arises after a race has been declared official, a change in the order of finish will not affect the parimutuel payoffs.

(2) If any jockey weighs in at more than two pounds over his/her proper or declared weight, the clerk of scales will report the overweight to the stewards for possible disciplinary action. In considering discipline the stewards will consider any excess weight caused by rain or mud.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-035, § 260-44-120, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-120, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-120, filed 2/12/99, effective 3/15/99. Rules of racing, §§ 313, 314, filed 4/21/61.]

WAC 260-44-150 Horseshoes. (1) A horse starting in a race must be fully shod with racing plates.

(2) During off-track conditions the trainer is required to report any additional traction devices to the board of stewards or designee.

(3) For turf racing, horses must be shod with racing plates approved by the association.

(4) Toe grabs with a height greater than four millimeters, worn on the front shoes of thoroughbred horses while racing or training on any surface or conditions are prohibited.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-01-053, § 260-44-150, filed 12/13/07, effective 1/13/08; 07-07-035, § 260-44-150, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-150, filed 3/10/06, effective 4/10/06.]

Chapter 260-48 WAC MUTUELS

WAC

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| 260-48-490 | Definitions. |
| 260-48-500 | General provisions. |
| 260-48-510 | Records. |
| 260-48-520 | Parimutuel tickets. |
| 260-48-530 | Parimutuel ticket sales. |
| 260-48-550 | Claims for payment from parimutuel pool. |
| 260-48-560 | Payment for errors. |
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| 260-48-625 | Prior approval required for betting pools. |
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| 260-48-650 | Licensed employees. |
| 260-48-660 | Emergency situations. |
| 260-48-670 | Limit payoffs. |
| 260-48-680 | Parimutuel cash vouchers. |
| 260-48-690 | Other stored value instruments and systems. |
| 260-48-700 | Common pool wagering. |
| 260-48-710 | Participation in common pools as guest. |
| 260-48-720 | Participation in common pools as host. |

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| 260-48-800 | Parimutuel wagering pools. | 260-48-140 | Computing pay-off and commissions in event of difference in pool or pools. [Rules of racing, § 401, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-810 | Win pools. | 260-48-150 | Computing pay-off when tote fails or is unreliable. [Rules of racing, § 402, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-820 | Place pools. | 260-48-160 | Refund of bets—Horse excused after betting begun. [Rules of racing, § 403, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-830 | Show pools. | 260-48-170 | Refund of bets—Horse affected by starting gate failure. [Rules of racing, § 404, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-840 | Double pools. | 260-48-180 | Refund of bets—No horse finishing race. [Rules of racing, § 405, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-850 | Pick three. | 260-48-190 | Refund of bets—Two or more horses coupled on same ticket. [Rules of racing, § 406, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-860 | Quinella pools. | 260-48-200 | Refund of bets—Race declared off. [Rules of racing, § 407, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-870 | Exacta pools. | 260-48-210 | Apportionment of win pool when no win money bet on winning horse. [Rules of racing, § 408, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-890 | Trifecta pools. | 260-48-220 | Apportionment of place pool when no place money bet on placing horse. [Rules of racing, § 409, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-900 | Twin trifecta pools. | 260-48-230 | Apportionment of show pool when no show money bet on showing horse. [Rules of racing, § 410, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-910 | Superfecta pools. | 260-48-240 | Apportionment of place and show pools when only one horse finishes. [Rules of racing, § 411, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-915 | Quinfecta pools with carryover. | 260-48-250 | Apportionment of show pool when only two horses finish. [Rules of racing, § 412, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-920 | Pick (n) pools. | 260-48-260 | Rulings after display of "official" sign. [Rules of racing, § 413, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-925 | Group bet wagering. | 260-48-270 | Manager to furnish take-off and calculating sheets to commission auditor. [Rules of racing, § 414, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-930 | Future wager pool. | 260-48-280 | Error in posting pay-off figures on public board. [Rules of racing, § 415, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-935 | Choose (n) pools. | 260-48-290 | Payments to conform to parimutuel practice—Breakage. [Rules of racing, § 416, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-940 | Head-to-head wagering | 260-48-300 | Records to be filed with commission. [Rules of racing, § 417, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-960 | Handicapping contests. | 260-48-305 | Calculating the pay-off for entries and fields. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-48-305, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

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| 260-48-010 | Betting rules to be printed in daily program. [Rules of racing, § 388, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-310 | Calculating the pay-off in dead heats. [Rules of racing, § 418, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-020 | Sale of pools permitted only within enclosure of licensed track. [Rules of racing, § 389, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-320 | Daily double. [Statutory Authority: RCW 67.16.040. 95-07-141, § 260-48-320, filed 3/22/95, effective 4/22/95; Rules of racing, § 419, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. |
| 260-48-030 | Association to bear cost of minus pools. [Rules of racing, § 390, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | 260-48-322 | Quinella rules. [Order 73.8, § 260-48-322, filed 10/23/73; Order 71-9, § 260-48-322, filed 6/2/71.] |
| 260-48-035 | Payoff on minus pools. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-48-035, filed 4/21/86.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-040 | Purchase of ticket or part of pool for another. [Rules of racing, § 391, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-050 | Messengers and future sales windows. [Rules of racing, § 392, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-060 | Surrender of winning tickets required for payment. [Rules of racing, § 393, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-070 | Minors may not wager—Jockeys may not enter betting area. [Rules of racing, § 394, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-080 | Totalizers and result boards—Installation—Operation in plain view. [Rules of racing, § 395, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-090 | Locking and unlocking of machines. [Rules of racing, § 396, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-100 | Secretary to advise manager as to horses in race. [Rules of racing, § 397, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-110 | "Entry"—Wager on one is wager on all. [Statutory Authority: RCW 67.16.040. 93-14-124, § 260-48-110, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-110, filed 7/10/81; Order 73.8, § 260-48-110, filed 10/23/73; Rules of racing, § 398, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-120 | "Field"—Wager on one is wager on all. [Rules of racing, §§ 325, 399, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |
| 260-48-130 | Determining number of pools for race—Additional race in event of no-bet sweepstakes. [Rules of racing, § 400, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040. | | |

- Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-324 Exacta rules. [Order 73.8, § 260-48-324, filed 10/23/73; Order 71-9, § 260-48-324, filed 6/2/71.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-326 Wagering on "short fields." [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-326, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-327 Daily triple. [Statutory Authority: RCW 67.16.040. 90-19-002, § 260-48-327, filed 9/6/90, effective 10/7/90. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-008 (Order 89-04), § 260-48-327, filed 6/9/89.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-328 Trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-125, § 260-48-328, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-021 (Order 81-08), § 260-48-328, filed 8/25/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-329 Limited sweepstakes. [Statutory Authority: RCW 67.16.175. 85-14-104 (Order 85-03), § 260-48-329, filed 7/3/85.] Repealed by 89-13-008 (Order 89-04), filed 6/9/89. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-48-330 Mutuel manager—Verification of winners and calculations. [Rules of racing, § 420, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-331 Twin trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-126, § 260-48-331, filed 7/6/93, effective 8/6/93.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-340 Mutuel manager—Decisions in emergency. [Rules of racing, § 421, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-350 Abandoned tickets—"Outs." [Rules of racing, §§ 422, 423, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-540 Advance wagering. [Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-540, filed 4/19/96, effective 6/11/96.] Repealed by 07-07-011, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-48-490 Definitions. (1) "Common pool wagering." The inclusion of wagers placed at guest association locations and secondary parimutuel organizations (SPMO) into a common parimutuel pool for the purpose of display of wagering information and calculation of payoffs on winning wagers.

(2) "Guest association." An association approved to offer simulcast races and parimutuel wagering on races conducted at other racetracks.

(3) "Host association." An association where live racing and parimutuel wagering are conducted and on which parimutuel wagering is conducted by guest associations or satellite locations.

(4) "Parimutuel system." The hardware, software and communications equipment used to record wagers, calculate payouts for winning wagers, and transmit wagering transactions and parimutuel pool data for display to patrons and to communicate with other parimutuel systems linked to facilitate common pool wagering.

(5) "Parimutuel wagering." A form of wagering on the outcome of a horse race in which all wagers are pooled and held by a parimutuel pool host for distribution of the total

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amount, less the deductions authorized by law, to holders of tickets on the winning contestants.

(6) "Secondary parimutuel organization (SPMO)." An entity other than a licensed association that offers and accepts parimutuel wagers. This may include a satellite location (off-track wagering) or an advance deposit wagering service provider.

(7) "Self-service terminal." A computerized wagering device that allows the patron to wager by use of a touch activated screen using account cards, vouchers, winning tickets and cash.

(8) "Simulcast." Live video and audio transmission of a race and parimutuel information for the purpose of parimutuel wagering at locations other than a host association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-490, filed 8/14/08, effective 9/14/08.]

WAC 260-48-500 General provisions. (1) Each association must conduct wagering in accordance with applicable laws and these rules. Such wagering must employ a parimutuel system approved by the commission. The parimutuel system must be tested prior to and during the meeting as required by the commission.

(2) Parimutuel wagering utilizes a parimutuel system to pool wagers. The parimutuel system may be located on property of the association or may, subject to compliance with applicable law and these rules, reside at another location.

(3) Wagering may be accepted by a separate parimutuel system in this or other jurisdictions, and combined via communication between parimutuel systems.

(4) The commission may enter into multijurisdictional agreements with other regulatory authorities to facilitate certification of compliance with requirements by, and licensing of, parimutuel companies (including their employees), entities providing services for simulcasting and common pool wagering, secondary parimutuel organizations, and advance deposit wagering systems. Such agreements must, at a minimum, ensure certification and licensing requirements comparable to this jurisdiction.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-500, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-500, filed 4/19/96, effective 6/11/96.]

WAC 260-48-510 Records. (1) The association is responsible for the maintenance of all wagering records so the commission may review these records for any race including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and any other information that may be required. Wagering records must be retained by each association and/or parimutuel company and safeguarded for one year after the last day of the race meet or as specified by the commission.

(2) The association must provide at the request of the commission a list of the licensed individuals afforded access to parimutuel records and equipment at the wagering facility.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-510, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-510, filed 4/19/96, effective 6/11/96.]

WAC 260-48-520 Parimutuel tickets. A parimutuel ticket is evidence of a wager into the parimutuel pool operated by the association and is evidence of the association's obligation to pay to the holder a portion of the distributable amount of the parimutuel pool that is represented by a valid parimutuel ticket. The association must cash all valid winning parimutuel tickets when they are presented for payment.

(1) To be deemed a valid parimutuel ticket, the ticket must have been issued by a parimutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the parimutuel pool. The parimutuel ticket must also contain the following:

- (a) The name of the association operating the meeting;
- (b) A unique identifying number or code;
- (c) The terminal at which the ticket was issued;
- (d) The date that the wagering transaction was issued;
- (e) The race number;
- (f) The type or types of wager(s);
- (g) The number or numbers representing the betting interests; and
- (h) The amount or amounts of the wagers into the parimutuel pool or pools for which the ticket is evidence.

(2) No parimutuel ticket recorded or reported as paid, cancelled, or nonexistent will be considered a valid parimutuel ticket.

(3) The association must maintain a record of all winning parimutuel tickets, not presented for payment. A record of these tickets when cashed must be retained for a period of twenty-four months from the date cashed. This record will be made available for inspection by the commission or its authorized representative when requested.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-520, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-520, filed 4/19/96, effective 6/11/96.]

WAC 260-48-530 Parimutuel ticket sales. (1) Parimutuel tickets may not be sold by anyone other than an association licensed to conduct parimutuel wagering.

(2) No parimutuel ticket may be sold on a race for which wagering has already been closed and the association is not responsible for ticket sales entered into but not completed by issuance of a ticket before the parimutuel system is closed for wagering.

(3) Parimutuel tickets may be exchanged or cancelled prior to the running of a race based upon the written policies of the association. Such policies must be filed with the commission.

(4) Payment on winning parimutuel wagers will be made on the basis of the order of finish as posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission will in no way affect the parimutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change will be made to the public.

(5) The association has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(6) No person under the age of eighteen may purchase or cash any parimutuel ticket. No employee of the association may knowingly sell to or cash for a person under the age of

eighteen any parimutuel ticket. Unattended persons under the age of eighteen are not permitted in wagering areas.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-530, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-530, filed 4/19/96, effective 6/11/96.]

WAC 260-48-550 Claims for payment from parimutuel pool. (1) A request for payment from the parimutuel pool may be made by submitting a valid claim form to the association mutuel department under the following conditions:

- (a) A verifiable parimutuel ticket is lost or damaged; or
- (b) The association has withheld payment or refused to cash a parimutuel wager.

(2) The association mutuel department will investigate the claim and make a determination as to whether there is sufficient information to identify the parimutuel ticket as a winning ticket.

(3) If the claim is denied, the claimant will be informed of the denial and that they may challenge the decision to the executive secretary.

(4) If the executive secretary denies the claim, the claimant may request a hearing before the commission as provided in WAC 260-08-675.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-550, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-550, filed 4/19/96, effective 6/11/96.]

WAC 260-48-560 Payment for errors. If an error occurs in the payment amounts for parimutuel tickets that are cashed or entitled to be cashed and as a result of the error the parimutuel pool involved is not correctly distributed among winning ticket holders, the following will apply:

(1) In the event the error results in an overpayment to the ticket holders the association will be responsible for such payment.

(2) In the event the error results in an underpayment to tickets holders:

- (a) The association will accept timely claims for such underpayment, investigate such claims and pay each claim, or a part thereof, that the association determines to be valid, and will notify the claimant if the claim is rejected as invalid.

(b) Any person whose claim is denied by the association may, within fifteen days from the date the denial notice was served, request the executive secretary to determine the validity of the claim. The failure to file such request with the executive secretary within the fifteen days will constitute a waiver of the claim.

(c) The executive secretary will investigate each claim denied, and determine the validity of the claim. Within seven days of service of the executive secretary's determination, the claimant or the association may challenge the executive secretary's determination by requesting a hearing before the commission as provided in WAC 260-08-675.

(d) If no valid claims are presented, or after all filed claims have been resolved, the amount of the underpayment or any part thereof, will be applied to the next available corresponding pool (i.e. exacta pools). If there is no similar pool the underpayment will be applied to the win pool of the first race. Such payment will be publicly announced prior to this day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-560, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-560, filed 4/19/96, effective 6/11/96.]

WAC 260-48-570 Betting explanation. A summary explanation of parimutuel wagering and each type of betting pool offered will be published in the program for each race day. The rules of racing relative to each type of parimutuel pool offered must be prominently displayed on association grounds and available upon request.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-570, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-570, filed 4/19/96, effective 6/11/96.]

WAC 260-48-580 Display of betting information. (1) The association will display the approximate odds for win pool betting within view of the wagering public and update the odds when the total win pool has reached a minimum dollar amount established by the association. The association will continue to update the odds at intervals of not more than ninety seconds. In no event will the first change in odds occur later than twelve minutes to post.

(2) The association may display the probable payoff or amounts wagered, in total and on each betting interest, for other pools to the wagering public at intervals and in a manner approved by the commission.

(3) Official results and payoffs must be displayed immediately after each race is declared official.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-580, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-580, filed 4/19/96, effective 6/11/96.]

WAC 260-48-590 Cancelled races. If a race is cancelled or declared "no contest" refunds will be granted on valid wagers in accordance with these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-590, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-590, filed 4/19/96, effective 6/11/96.]

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool will be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, trifecta pools and first-half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, superfecta pools offered in races in which the number of betting interests has been reduced to fewer than four.

(2) Authorized refunds will be paid when the parimutuel ticket is presented and surrendered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-600, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 00-06-070, § 260-48-600, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-600, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-600, filed 4/19/96, effective 6/11/96.]

WAC 260-48-610 Coupled entries and mutuel field.

(1) Horses coupled in wagering as a coupled entry or mutuel (2009 Ed.)

field will be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horses in that coupled entry or mutuel field will remain valid betting interests and no refunds will be granted. If all horses within a coupled entry or mutuel field are scratched, then tickets on such betting interests will be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields will be calculated as a single finisher, using the finishing position of the leading horse in that coupled entry or mutuel field to determine order of placing. This rule will apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-610, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-610, filed 4/19/96, effective 6/11/96.]

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission or its designee otherwise provides, at the time the pools are opened for wagering, the association:

(1) Must offer win wagering on all races with three or more betting interests. May offer win wagering on all races with two betting interests.

(2) Must offer place wagering on all races with four or more betting interests.

(3) Must offer show wagering on all races with five or more betting interests.

(4) May offer quinella wagering on all races with three or more betting interests.

(5) May offer exacta wagering on all races with two or more betting interests.

(6) May offer trifecta wagering on all races with three or more betting interests.

(7) May offer twin trifecta wagering on all races with six or less betting interests.

(8) May offer superfecta wagering on all races with four or more betting interests.

(9) May offer quinfecta wagering on all races with five or more betting interests.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-620, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-620, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 00-06-070, § 260-48-620, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-620, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-620, filed 4/19/96, effective 6/11/96.]

WAC 260-48-625 Prior approval required for betting pools. (1) An association that desires to offer new forms of wagering must apply in writing to the commission and receive written approval prior to implementing the new betting pool. New forms of wagering may only be offered by a host association after they have been established in rule, except as provided in WAC 260-48-710.

(2) An association may suspend previously approved forms of wagering with the prior approval of the commission. Any carryover will be held until the suspended form of wagering is reinstated. An association may request approval

of a form of wagering or separate wagering pool for a specific performance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-625, filed 8/14/08, effective 9/14/08.]

WAC 260-48-630 Closing of wagering in a race. (1)

Upon the start of a live race, a commission representative will immediately close wagering for the race. Once wagering is closed, no parimutuel tickets will be sold for that race.

(2) Upon the start of any simulcast race, the association is responsible to ensure that wagering is closed for the race. Once wagering is closed, no parimutuel tickets will be sold for that race.

(3) The association must maintain an electrical or other system approved by the commission for accurately locking all parimutuel machines.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-630, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 03-07-057, § 260-48-630, filed 3/14/03, effective 4/14/03; 96-10-014, § 260-48-630, filed 4/19/96, effective 6/11/96.]

WAC 260-48-640 Complaints pertaining to parimutuel operations. (1) When a patron makes an unresolved complaint regarding the parimutuel department to an association, the association will immediately issue a complaint report, including the following:

- (a) The name of the complainant;
- (b) The nature of the complaint;
- (c) The name of the persons, if any, against whom the complaint was made;
- (d) The date of the complaint;
- (e) The action taken or proposed to be taken, if any, by the association.

(2) The association will submit every complaint report to the executive secretary within forty-eight hours of the complaint.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-640, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-640, filed 4/19/96, effective 6/11/96.]

WAC 260-48-650 Licensed employees. All licensees will report any known irregularities or wrong doings by any person involving parimutuel wagering immediately to the board of stewards or the executive secretary if the incident occurs during a nonlive racing period, and will fully cooperate in subsequent investigations.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-650, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-650, filed 4/19/96, effective 6/11/96.]

WAC 260-48-660 Emergency situations. Should any emergency arise in connection with the operation of the parimutuel department of the association, not covered by these rules, and an immediate decision is necessary, the mutuel manager may make the decision. The mutuel manager will immediately notify the board of stewards, or the executive secretary if the emergency arises during a nonlive racing period.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-660, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-660, filed 4/19/96, effective 6/11/96.]

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WAC 260-48-670 Limit payoffs. An association may limit payoffs at satellite locations to \$2,500 in cash, with the balance delivered in the form of a check or by an electronic fund transfer by the end of the next business day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-670, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-670, filed 4/19/96, effective 6/11/96.]

WAC 260-48-680 Parimutuel cash vouchers. (1) A parimutuel cash voucher is a document or card produced by a parimutuel system device on which a stored cash value is represented and the value is recorded in and redeemed through the parimutuel system. Parimutuel cash vouchers may be offered by an association that issues parimutuel tickets. The stored value on a voucher may be redeemed in the same manner as a value of a winning parimutuel ticket for wagers placed at a parimutuel window or a self-service terminal, and may be redeemed for their cash value at any time.

(2) An association may, with the prior approval of the commission, issue special parimutuel cash vouchers as incentives or promotional prizes, and may restrict the use of those vouchers to the purchase of parimutuel wagers.

(3) The tote system transaction record for all parimutuel vouchers will include the following:

- (a) The voucher identification number in subsequent parimutuel transactions;
- (b) Any parimutuel wagers made from a voucher will identify the voucher by identification number.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-680, filed 8/14/08, effective 9/14/08.]

WAC 260-48-690 Other stored value instruments and systems. (1) An association may not, without the prior approval of the commission, utilize any form of stored value instrument or system other than a parimutuel voucher for the purpose of making or cashing parimutuel wagers.

(2) Any request for approval of a stored value instrument or system will include a detailed description of the standards utilized:

- (a) To identify the specific stored value instrument or account in the parimutuel system wagering transaction record;
- (b) To verify the identity and business address of the person(s) obtaining, holding, and using the stored value instrument or system; and
- (c) To record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts.

(3) A stored value instrument or system will prevent wagering transactions in the event such transactions would create a negative balance in an account, and will not automatically transfer funds into a stored value instrument or account without the direct authorization of the person holding the instrument or account.

(4) Any request for approval of a stored value instrument or system will include all records and reports relating to all transactions, account records, and customer identification and verification in hard copy or in an electronic format approved by the commission. All records will be retained for a period of not less than three years.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-690, filed 8/14/08, effective 9/14/08.]

WAC 260-48-700 Common pool wagering. (1)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(2) A class 1 racing association may not simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeder's awards fund. This statement will be filed with the commission no later than fifteen days after the end of each month.

(3) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

(4) In determining whether to approve a common pool which does not include the host track or which includes contests from more than one association, the commission will consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(5) No class 1 racing association will enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(6) The mutuel manager or the mutuel manager's designee must be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she will be responsible for communicating all errors or omissions regarding simulcast wagering to the board of stewards or the executive secretary if errors or omissions occur during nonlive racing periods.

(7) There must be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room will not require routing through the switchboard.

(8) When necessary prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association will initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(9) Washington intra-track breakage and minus pools will be prorated based on amounts wagered.

(10) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

(11) Any surcharges or withholdings in addition to the takeout will only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

(12) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

(13) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-700, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-48-700, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-700, filed 2/23/99, effective 3/26/99.]

WAC 260-48-710 Participation in common pools as guest. (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool will apply.

(3) The guest association and all authorized receivers will conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import simulcast races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, will submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, a guest racetrack's wagers cannot be successfully merged in the common pool via data circuit or manual merge, the mutuel manager will:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager will report the failure to merge any common pool to the board of stewards or the executive secretary if the failure to merge any common pool occurs during nonlive racing. The report must be filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the Association of Racing Commissioners International model rules regarding such wager will govern. Information regarding this emergency

procedure will be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association will provide:

(a) Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

(b) Adequate transmitting and receiving equipment of acceptable broadcast quality, which will not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-710, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-48-710, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-710, filed 2/23/99, effective 3/26/99.]

WAC 260-48-720 Participation in common pools as host. (1) A host association is responsible for content of the simulcast and will use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from where it emanates and the number of the contest being displayed.

(3) The host association will maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of common pools entered into by the association will contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the common pool formed by the class 1 racing association, or if, for any reason, the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest association may endanger the association's wagering pool, the association will have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association's mutuel manager or designee will determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses will be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating parimutuel system protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager will communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-720, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020.

04-21-053, § 260-48-720, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-720, filed 2/23/99, effective 3/26/99.]

WAC 260-48-800 Parimutuel wagering pools. (1) All permitted parimutuel wagering pools will be separately and independently calculated and distributed. Takeout will be deducted from each gross pool as stipulated by law. The remainder of the moneys in the pool will constitute the net pool for distribution as payoff on winning wagers.

(2) Either standard price or net price calculation procedures will be used to calculate wagering pools. However net price calculation will be used any time international wagering is conducted.

(a) Standard price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

| | | |
|--------------------|---|--|
| Gross Pool | = | Sum of Wagers on all Betting Interests - Refunds |
| Takeout | = | Gross Pool x Percent Takeout |
| Net Pool | = | Gross Pool - Takeout |
| Profit | = | Net Pool - Gross Amount Bet on Winner |
| Profit Per Dollar | = | Profit/Gross Amount Bet on Winner |
| \$1 Unbroken Price | = | Profit Per Dollar + \$1 |
| \$1 Broken Price | = | \$1 Unbroken Price Rounded Down to the Break Point |
| Total Payout | = | \$1 Broken Price x Gross Amount Bet on Winner |
| Total Breakage | = | Net Pool - Total Payout |

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(b) Net price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

| | | |
|-------------------------|---|--|
| Gross Pool | = | Sum of Wagers on all Betting Interests - Refunds |
| Takeout | = | Gross Pool x Percent Takeout for each Source |
| Net Pool | = | Gross Pool - Takeout |
| Net Bet on Winner | = | Gross Amount Bet on Winner x (1 - Percent Takeout) |
| Total Net Pool | = | Sum of all Sources Net Pools |
| Total Net Bet on Winner | = | Sum of all Sources Net Bet on Winner |
| Total Profit | = | Total Net Pool - Total Net Bet on Winner |
| Profit Per Dollar | = | Total Profit/Total Net Bet on Winner |

SINGLE PRICE POOL (WIN POOL)

| | | |
|-------------------------|---|--|
| \$1 Unbroken Base Price | = | Profit Per Dollar + \$1 for each Source |
| \$1 Unbroken Price | = | \$1 Unbroken Base Price x (1 - Percent Takeout) |
| \$1 Broken Price | = | \$1 Unbroken Price Rounded Down to the Break Point |
| Total Payout | = | \$1 Broken Price x Gross Amount Bet on Winner |
| Total Breakage | = | Net Pool - Total Payout |

PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

(3) If a profit split results in only one covered winning betting interest or combinations it will be calculated the same as a single price pool.

(4) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission.

(5) In the event a minus pool occurs in any parimutuel pool, the expense of said minus pool will be borne by the association.

(6) The association will pay to the holder of any ticket or tickets entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

(7) No person or corporation will directly or indirectly purchase parimutuel tickets or participate in the purchase of any part of a parimutuel pool for another for hire or for any gratuity.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-800, filed 8/14/08, effective 9/14/08; 06-05-038, § 260-48-800, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-800, filed 4/19/96, effective 6/11/96.]

WAC 260-48-810 Win pools. (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(2) The net win pool will be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(2009 Ed.)

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool will be refunded on win wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the win pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the win pool will be distributed as a profit split.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-810, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-810, filed 4/19/96, effective 6/11/96.]

WAC 260-48-820 Place pools. (1) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool will be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool will be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool will be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the place pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-820, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-820, filed 4/19/96, effective 6/11/96.]

WAC 260-48-830 Show pools. (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show

on that betting interest. The net show pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If horses of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool will be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool will be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool will be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool will be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-830, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-830, filed 4/19/96, effective 6/11/96.]

WAC 260-48-840 Double pools. (1) The double requires selection of the first-place finisher in each of two specified races.

(2) The net double pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two races; but if there are no such wagers, then

(b) As a profit split to those who selected the first-place finisher in either of the two races; but if there are no such wagers, then

(c) As a single price pool to those who selected the one covered first-place finisher in either race; but if there are no such wagers, then

(d) As a single price pool to those whose selection finished second in each of the two races; but if there are no such wagers, then

(e) The entire pool will be refunded on double wagers for those races.

(3) If there is a dead heat for first in either of the two races involving:

(a) Horses representing the same betting interest, the double pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the double pool will be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first-half of the double be scratched prior to the close of wagering for the first double race or a betting interest declared a nonstarter, all money wagered on combinations including the scratched betting interest will be deducted from the double pool and refunded.

(5) Should a betting interest in the second-half of the double be scratched prior to the close of wagering on the first double race, all money wagered on combinations including the scratched betting interest will be deducted from the double pool and refunded.

(6) Should a betting interest in the second-half of the double be scratched after the close of wagering on the first double race, or declared a nonstarter, all wagers combining the winner of the first race with the scratched betting interest in the second race will be allocated a consolation payoff. In calculating the consolation payoff the net double pool will be divided by the total amount wagered on the winner of the first race and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first race combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats including separate betting interests in the first race will result in a consolation payoff calculated as a profit split.

(7) If either of the double races are cancelled prior to the first double race, or the first double race is declared "no contest," the entire double pool will be refunded on double wagers for those races.

(8) If the second double race is cancelled or declared "no contest" after the conclusion of the first double race, the net double pool will be distributed as a single price pool to wagers selecting the winner of the first double race. In the

event of a dead heat involving separate betting interests, the net double pool will be distributed as a profit split.

(9) Before the running of the second double race the association will announce and/or post the payoff of each combination coupled with the winner of the first half of the double race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-840, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-840, filed 4/19/96, effective 6/11/96.]

WAC 260-48-850 Pick three. (1) The pick three requires selection of the first-place finisher in each of three specified races.

(2) The net pick three pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the three races; but if there are no such wagers, then

(b) As a single price pool to those who selected the first-place finisher in any two of the three races; but if there are no such wagers, then

(c) As a single price pool to those who selected the first-place finisher in any one of the three races; but if there are no such wagers, then

(d) The entire pool will be refunded on pick three wagers for those races.

(3) If there is a dead heat for first in any of the three races involving:

(a) Horses representing the same betting interest, the pick three pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick three pool will be distributed as follows:

(i) As a profit split to those whose selection finished first in each of the three races, if there are no such wagers,

(ii) As a single price pool to those who selected the first place finisher in any two of the three races, if there are no such wagers,

(iii) As a single price pool to those who selected the first place finisher in any one of the three races, if there are no such wagers,

(iv) The entire pool will be refunded on pick three wagers for those races.

(4) Should a betting interest in any of the three pick three races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The parimutuel system will produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three pick three races are cancelled or declared "no contest," the entire pool will be refunded on pick three wagers for those races.

(6) If one or two of the pick three races are cancelled or declared "no contest," the pick three pool will remain valid and will be distributed in accordance with subsection 2 of this rule.

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(7) Before the running of the third pick three race the association will announce and/or post the payoff of each combination coupled with the winners of the first and second races of the pick three.

(8) The pick three may be given a distinctive name to be selected by the association conducting such races, such as "TRIPLE," subject to the prior approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-850, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-850, filed 4/19/96, effective 6/11/96.]

WAC 260-48-860 Quinella pools. (1) The quinella requires selection of the first two finishers, regardless of order, for a single race.

(2) The net quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool will be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool will be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool will be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool will be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

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(e) The entire pool will be refunded on quinella wagers for that race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-860, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-860, filed 4/19/96, effective 6/11/96.]

WAC 260-48-870 Exacta pools. (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool will be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool will be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool will be refunded on exacta wagers for that race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-870, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-870, filed 4/19/96, effective 6/11/96.]

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool will be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest will share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third will share in a profit split.

(7) Trifecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(8) Trifecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-890, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-890, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 98-01-148, § 260-48-890, filed 12/19/97, effective 1/19/98; 96-10-014, § 260-48-890, filed 4/19/96, effective 6/11/96.]

WAC 260-48-900 Twin trifecta pools. (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races will be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool will then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers will be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day will be refunded on twin trifecta wagers for that race and the second-half will be canceled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders will not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool will be retained and added to any existing twin trifecta carry-over pool.

(6) Winning tickets from the first-half of the twin trifecta will be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carry-over moneys, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race will be added to any existing carry-over moneys and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) Subject to subsection 19(e) of the twin trifecta rules, if a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Twin trifecta wagering is prohibited on any race in which there is a mutuel field, except with written permission of the executive secretary.

(9) Twin trifecta wagering is prohibited on any race in which there is more than one coupled entry.

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest will be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch will be made and a reasonable amount of time will be

provided for exchange of tickets that include the scratched betting interest.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, will be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff will be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff will be calculated as a single price pool.

(13) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no contest," the entire twin trifecta pool for that day will be refunded on twin trifecta wagers for that race and the second-half will be canceled.

(14) If the second-half twin trifecta race is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets will be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carry-over. If there are no such tickets, the net twin trifecta pool will be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 3, all exchange tickets and outstanding first-half winning tickets will be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carry-over.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted will be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carry-over on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carry-over, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carry-over be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

(20) The twin trifecta carry-over will be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (17) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carry-over must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carry-over will be deposited in an interest-bearing account approved by the commission. The twin trifecta carry-over plus accrued interest will then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is canceled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carry-over will be held over in accordance with subsection (20) of the twin trifecta rules.

(23) If racing is canceled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carry-over pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This will not prohibit necessary communications between parimutuel system and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued will constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, parimutuel company, and state will not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) Twin trifecta tickets will be sold and exchanged only by the association through parimutuel machines.

(27) The twin trifecta carry-over may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carry-over equals or exceeds the designated cap, the twin trifecta carry-over will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carry-over is frozen, 100 percent of the net twin trifecta pool for each individual race will be distributed to winners of the first-half of the twin trifecta pool.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-900, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-900, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-900, filed 4/19/96, effective 6/11/96.]

WAC 260-48-910 Superfecta pools. (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool will be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest will share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests will share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third will share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(8) Superfecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(9) Superfecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-910, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-910, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-910, filed 2/23/99, effective 3/26/99.]

WAC 260-48-915 Quinfecta pools with carryover. (1)

The quinfecta requires selection of the first five finishers in their exact order, for a single race.

(2) The net quinfecta pool will be distributed as a single price pool to those who selected the first five finishers in exact order based on the official order of finish. If there are no such wagers, then the net quinfecta pool will be carried forward to the next quinfecta performance as a carryover or added to an existing carryover.

(3) If less than five betting interests finish the race and the race is declared official, the entire quinfecta pool for that performance will be refunded.

(4) If, due to a late scratch or a participant is declared a nonstarter, and this causes the number of betting interest in the quinfecta pool to be reduced to fewer than five, the entire quinfecta pool for that performance will be refunded.

(5) If the quinfecta contest is cancelled or declared "no contest," the entire quinfecta pool for that performance will be refunded.

(6) If horses representing the same betting interest finish in the first five positions, the quinfecta pool will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(7) If there is a dead heat for first involving:

(a) Horses representing five or more betting interests, all of the wagering combinations selecting five betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, irrespective of order, along with the fifth-place betting interest will share in a profit split.

(c) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place and fifth-place betting interests will share in a profit split.

(d) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place, fourth-place and fifth-place betting interests will share in a profit split.

(8) If there is a dead heat for second involving:

(a) Horses representing four or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the four or more betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations correctly selecting the winner, the three dead-heated betting interests, irrespective of order, and the fifth-place betting interests will share in a profit split.

(c) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place and fifth-place betting interests will share in a profit split.

(9) If there is a dead heat for third involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner, the second-place betting interest, and the three or more dead-heated betting interests will share in a profit split.

(b) Horses representing two betting interests, all the wagering combinations correctly selecting the winner, the second-place betting interest, the two dead-heated betting interests, irrespective of order and the fifth-place betting interest will share in a profit split.

(10) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth will share in a profit split.

(11) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(12) Quinfecta wagering is prohibited on any race in which there is more than one coupled entry or a mutuel field, except with written permission of the board of stewards.

(13) Mandatory distribution of the carryover. The quinfecta carryover will be designated for a change in distribution on a specified date and performance under the following circumstances:

(a) Upon approval from the board of stewards. If the designated date of the race for the mandatory distribution is during the race meet and the carryover pool is not distributed, the quinfecta wager must be offered on a subsequent race until the carryover pool is distributed. A written request must contain the following information:

(i) The reason and justification for the change.

(ii) The date of the proposed distribution.

(b) On the closing performance of the meet.

(14) If the quinfecta pool and any carryover are approved for distribution, the net quinfecta pool and carryover, if any, will be distributed as a single price pool to winning wagers based upon the official order of finish.

(a) As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first four betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(e) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(f) The entire net pool will be refunded on quinfecta wagers for that race and the carryover, if any, will be held over to a quinfecta pool of the subsequent meet.

(15) If, for any reason, the quinfecta carryover must be held over to the corresponding quinfecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The quinfecta carryover plus accrued interest will then be added to the net quinfecta pool of the following meet on a date and performance approved by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-915, filed 8/14/08, effective 9/14/08.]

WAC 260-48-920 Pick (n) pools. (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the commission concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. The number of races so designated must be more than three (3), but no greater than ten (10). Any changes to the approved pick (n) format require prior approval from the commission.

(2) The pick (n) pool will be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, will be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder will be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share will be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool will be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second great-

est number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool will be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, will be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool will be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, will be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool will be added to the jackpot carryover. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool will be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched:

(a) The racing association may allow patrons the option of selecting an alternate betting interest prior to the running of the first leg of the pick (n). The selected alternate betting interest will be substituted for the scratched betting interest, for all purposes, including pool calculations.

(b) If no alternate betting interest is selected or the selected alternate betting interest is also scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The parimutuel system will produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool will be cancelled and all pick (n) wagers for the individual race day will be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no contest."

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no contest."

(c) At least five races included as part of a pick 10 are cancelled or declared "no contest."

(6) If at least one race included as part of a pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection 5 of this rule, the net pool will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution will include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, will be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover will be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap, a change from one type

of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest will then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This will not prohibit necessary communication between parimutuel system and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover will be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific race day.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-920, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-920, filed 4/19/96, effective 6/11/96.]

WAC 260-48-925 Group bet wagering. (1) The group bet is a form of parimutuel wagering and part of the win pool in every race in which it is offered. The group bet is a bet to win on every participant in the selected group.

(2) A racing association may not offer a group bet unless the format associated with the particular group bet wagering event is first approved by the executive secretary. The request must be made in writing at least three days prior to the commencement of public wagering on the proposed group bet and the licensee may not offer public wagering on the proposed group bet until written approval of the executive secretary is issued. In approving any request of a racing association related to a group bet, the executive secretary may impose such conditions as are consistent with the best interests of racing and the interests of the wagering public.

(3) In each race in which the group bet is offered, the association will designate one horse that will not be a member of either group (usually the morning line favorite) and designate the remaining horses as members of one of two groups, Group A and Group B. The horses comprising each group will number two or more horses and the number of horses in each group need not be the same, except as provided in subsection (8)(c) or (d) of this section. Each horse in a race where the group bet is offered must be a member of Group A, a member of Group B, or the sole nongroup horse.

(4) In each race in which the group bet is offered, there will be a win payoff for bettors selecting the winning participant in standard win betting and, in the event a member of one of the groups wins the race, a group-bet win payout for those bettors wagering on the winning group. If the nongroup horse wins the race, there will be no payout for the group bet.

(5) The identity of the nongroup horse and the members of Group A and Group B will be disseminated in the track program. This information may also be disseminated by the track announcer, on television monitors and, where applicable, by authorized advance deposit wagering service providers.

(6) The minimum bet for the group bet is the same as the minimum bet to win. The amount bet on Group A and Group B will be allocated among the members of the respective group in proportion to the amount bet on such member to win in standard win betting. Allocations may be made in fractional amounts less than the minimum permissible bet to win.

(7) The payout for a winning group bet will be the same regardless of which member of the group is the race winner. The probable and actual payoff for a winning group bet on Group A or Group B will be displayed in a similar manner as the probable and actual payout for a standard win bet.

(8) In the event of scratches in a race with a group bet, the following procedure will be followed:

(a) In the event that the nongroup horse is scratched or declared a nonstarter, group betting will cease and all wagers on both groups refunded.

(b) In the event of a scratch or a declaration of nonstarter of all of the members of a group, group betting will cease and all wagers on both groups will be refunded.

(c) In the event of a scratch or declaration of nonstarter of a member of a group, moneys previously allocated to the scratched runner or nonstarter will be reallocated amongst the remaining member or members of that group.

(d) In the event of a scratch or declaration of nonstarter of one or more horses in a group resulting in only one horse remaining in that group, the remaining horse in that group will remain a valid betting interest and no refund will be granted.

(9) In the event of a dead heat to win involving two or more members of the same group, the group bet payout will be calculated in the same manner as if there was one winner of the race and such winner was a member of such group. In the event of a dead heat to win involving the nongroup horse and one or more members of either group, or one or more members of different groups, the group bet payout will be determined in the same manner as the calculation of the win payoff, i.e., by dividing the net win wagering pool.

(10) If circumstances occur which are not addressed by these rules, they will be resolved by the board of stewards in a manner that is consistent with this rule and in accord with accepted parimutuel practices. Decisions regarding the group bet made by the board of stewards will be final.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-925, filed 8/14/08, effective 9/14/08; 06-07-062, § 260-48-925, filed 3/10/06, effective 4/10/06.]

WAC 260-48-930 Future wager pool. (1) The future wager requires selection of the first-place finisher in a specified contest.

(2) The association will apply in writing to the commission for approval to offer the future wager on the specified contest and will not offer the wager until the commission approval has been granted. The written application will include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and

calculating odds and payout prices, and the time interval for displaying the odds.

(3) The association, or in the case of common pool wagering the host track, will name the contestants included in each betting interest on which future wagers may be made and will assign a program number to each betting interest.

(4) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(5) The net future pool will be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool will be refunded on future pool wagers for that contest.

(6) If there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the future pool will be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the future pool will be distributed as a profit split.

(7) No refund will be issued for future wager pool wagers on betting interests that do not start or finish the race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association will immediately close betting on that betting interest.

(8) The entire future wager pool will be refunded if:

(a) The situation described at subsection 5(d) occurs; or

(b) The specified race is declared no contest by the judges/stewards having jurisdiction over the specified race; or

(c) The specified race does not occur; or

(d) For whatever reason, the future wager pool cannot be determined and the payout price cannot be calculated.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-930, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.040. 02-10-100, § 260-48-930, filed 4/30/02, effective 5/31/02.]

WAC 260-48-935 Choose (n) pools. (1) The choose (n) is a form of parimutuel wagering, in which bettors attempt to select the winners of a specific number of races (n). The choose (n) pool will be held separately from all other pools and will in no way be part of a daily double, exacta, trifecta or any other wagering pool. The choose (n) is a pool wherein the bettor is required to select any (n) winning horses from that particular card and is not a parlay (a wager using the proceeds of a previous winning bet).

(2) The association must obtain approval from the executive secretary concerning the format and scheduling of choose (n) contests, the races in which choose (n) wagering will be permitted, and the amount of any cap to be set on the carryover. The choose (n) pool will close after each race but will reopen with respect to subsequent races that have not yet

been run provided that there are at least as many races remaining as required to be selected on a winning choose (n) ticket. Once approved, any changes will require approval from the executive secretary.

(3) The number of races in a choose (n) pool is designated by the association, while the specific races wagered on are at the discretion of the bettor. The races need not be consecutive and the first race of a choose (n) ticket may begin at any time provided that there are an adequate number of races left on the program. The bettor may purchase a choose (n) ticket allowing the bettor to select any (n) races from the entire card, unless the association has designated a race not eligible for the choose (n) pool.

(4) The choose (n) pool will be apportioned under one of the following methods:

(a) Method one - Choose (n) no carryover: The choose (n) "net wagering pool" will be equally distributed to the holder or holders of choose (n) tickets which correctly select (n) first place winners from the eligible races comprising the choose (n). If no choose (n) ticket correctly selects (n) first place winners from choose (n) eligible races, the "net wagering pool" of a choose (n) with no carryover amount will be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n). If there are no winning wagers, the pool is refunded.

(b) Method two - Choose (n) with carryover: The choose (n) "net wagering pool" and carryover, if any, will be distributed as a single price pool to holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n). However, if no choose (n) ticket correctly selects the first place winner in (n) races comprising the choose (n), twenty-five percent of the net wagering pool for that particular choose (n) will be equally distributed to the holder or holders of choose (n) tickets correctly selecting the greatest number of first place winners of the races comprising the choose (n) and the remaining seventy-five percent of the net wagering pool for that particular choose (n) will be added as the "carryover amount" portion of the wagering pool for designated subsequent choose (n) offerings by the association. In any choose (n) with a "carryover amount" feature, one hundred percent of the "net wagering pool" for the particular choose (n) plus any accumulated "carryover amount," will be equally distributed to the holder or holders of choose (n) tickets which correctly select the first place winners in (n) races comprising the choose (n).

(5) The association will determine the denominations of the choose (n) tickets. No less than two or more than six races will comprise any choose (n) ticket.

(6) The choose (n) tickets will be clearly and immediately distinguishable from other parimutuel tickets.

(7) Those horses constituting an entry or field, as defined by rule, will race in any choose (n) race as a single wagering interest for purposes of the choose (n) pool calculations. A scratch after wagering has begun of any part of the entry or field selection in a race will have no effect on the status of such entry or field as a wagering interest.

(8) At any time after wagering begins on the choose (n) contest, should a horse, entire betting entry or field be scratched or declared a nonstarter in any choose (n) race, no further tickets selecting such horses, entry or field will be

issued, and wagers upon such horse, entry or field for purposes of the choose (n) will be deemed wagers upon the horse, entry or field on which the most money has been wagered in the win pool at the close of win betting for such race. In the event that two horses have the exact amount wagered on them, the horse, entry or field with the lowest program number will be designated.

(9) In the event of a dead heat for win between two or more horses in any of the choose (n) races, all such horses will be considered as the winning horse for the purpose of distributing the choose (n) pool.

(10) The choose (n) pool with a carryover will be calculated as follows:

(a) One hundred percent of the net amount in the choose (n) pool subject to distribution among winning ticket holders will be distributed among holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n).

(b) In the event there is no choose (n) ticket which correctly designates the winner of (n) races from the races that comprise the choose (n), twenty-five percent of that racing date's net amount available for distribution will be distributed among the holders of choose (n) tickets correctly designating the most winning selections of the races that comprise the choose (n), and the remaining seventy-five percent of said pool will be carried over and added to the pool on the next day that the wager is conducted.

(c) If, on the last day on which the choose (n) is conducted at a horse race meeting, no one selects the winning horse in (n) races, the total amount of the choose (n) pool which exists on that day will be paid to the bettor or bettors selecting the largest number of winning horses in those races. In no event will any part of the pool be carried over to the next year's race meeting, except for reasons beyond the control of the licensee and upon the approval of the executive secretary. If, for any reason, the choose (n) carryover must be held over to the corresponding choose (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The choose (n) carryover plus accrued interest will then be added to the net choose (n) pool of the following meet on a date and performance approved by the board of stewards.

(11) When the distance of the race is changed or the condition of the turf course warrants a change of racing surface in any of the races open to choose (n) wagering, and such change has not been made known to the betting public prior to the close of wagering for the first choose (n) race, the stewards will declare the changed races a "no contest" for choose (n) wagering purposes and the pool will be distributed in accordance with subsection (10) of this section. Following the designation of a race as a "no contest," no tickets will be sold selecting a horse in such "no contest" race. Any race that has been canceled or declared a "no contest" will not be considered a contested race for choose (n) purposes.

(12) If, for any reason, one or more races are canceled or declared a "no contest," the choose (n) pool will be paid using the following formula:

(a) Choose two: Any live ticket regardless of its starting point that has not completed at least two contested legs will be refunded. After two or more races have run, one hundred

percent of the daily pool plus any carryover will be distributed in accordance with subsection (10) of this section.

(b) Choose three: Any ticket regardless of its starting point that has not completed at least three contested legs will be refunded. After three or more races have run, one hundred percent of the daily pool plus any carryover will be distributed in accordance with subsection (10) of this section.

(c) Choose four: Any ticket regardless of its starting point that has not completed at least four contested legs must be refunded. After four or more races have run, one hundred percent of the daily pool plus any carryover will be distributed in accordance with subsection (10) of this section.

(d) Choose five: Any ticket regardless of its starting point that has not completed at least four contested legs will be refunded.

(i) In the event that only four choose five races are contested: One hundred percent of that day's net pool (not including any carryover), after refunds, will be paid to tickets with four wins and no losses.

(ii) In the event that at least five races have been contested for the choose five, seventy-five percent of that day's net pool (after refunds) plus any carryover will be paid to tickets with five wins and twenty-five percent of the pool will be paid to tickets with four wins and no losses. In the event no ticket has five wins, seventy-five percent of the daily pool will be paid to tickets with four wins and a selection in the canceled race and twenty-five percent paid to tickets with three wins and a selection in two of the canceled races.

(e) Choose six: Any ticket regardless of its starting point that has not completed at least four contested legs will be refunded.

(i) In the event only four choose six races are contested, one hundred percent of the day's net pool (not including any carryover) after refunds, will be paid to tickets with four wins.

(ii) In the event that only five choose six races are contested, seventy-five percent of the daily pool (after refunds) will be paid to tickets with five wins and twenty-five percent to tickets with four wins and no losses and a selection in the noncontested race.

(iii) In the event that at least six races have been contested for the choose six and two or more races have not been contested, seventy-five percent of the daily pool plus any carryover will be paid to tickets with six wins, eighteen and three-quarter percent of the daily pool to tickets with five wins and a selection in a noncontested race, and six and one-quarter percent of the daily pool will be paid to tickets with four wins and selections in two of the noncontested races. If no ticket has six wins, fifty percent of the daily pool will be paid to tickets with five wins and a selection in a noncontested race, twenty-five percent of the daily pool to tickets with four wins and selections in two noncontested races, and twenty-five percent of the daily pool to tickets with five wins and one loss.

(iv) In the event that at least six races have been contested for the choose six and one race has not been contested, seventy-five percent of the daily pool plus any carryover must be paid to tickets with six wins and twenty-five percent of the daily pool to tickets with five wins and a selection in the noncontested race. If no ticket has six wins, seventy-five percent of the daily pool must be paid to tickets with five

wins and a selection in the noncontested race and twenty-five percent of the daily pool to tickets with five wins and one loss.

(v) In the event that there is no payable ticket in a category within any of these subsections, that portion of the daily pool will be divided equally between the other categories within that subsection. In the event that there is no payable ticket within a subsection, the entire daily pool will be carried over and added to the choose (n) pool on the next day that the choose (n) wagering is conducted.

(13) When there is a cancellation of the race card or a race is declared a no contest and there are any changes in the calculation of the choose (n) other than provided for in subsection (12) of this section, the change must be approved by board of stewards.

(14) If, for any reason, the race card is canceled, wagering on the choose (n) pool must close immediately and the choose (n) pool must be distributed in accordance with subsection (12) of this section.

(15) The choose (n) carryover may be capped at a designated level if approved by the board of stewards so that if at the close of any performance, the amount in the choose (n) carryover equals or exceeds the designated cap, the choose (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the choose (n) carryover is frozen, one hundred percent of the net pool, part of which would ordinarily be added to the choose (n) carryover, must be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n) for that performance.

(16) A written request for permission to distribute the choose (n) carryover on a specific performance may be submitted to the board of stewards. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(17) Should the choose (n) carryover be designated for distribution on a specified date and performance in which there are no wagers with (n) wins, the entire pool must be distributed as a single price pool to those whose selection finished first in the greatest number of choose (n) contests. The choose (n) carryover will be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon approval from the board of stewards as provided in this section.

(b) Upon approval from the board of stewards when there is a change in the carryover cap, a change from one type of choose (n) wagering to another, or when the choose (n) is discontinued.

(c) On the closing performance of the meet or split meet.

(18) With the approval of the board of stewards, the association may contribute to the choose (n) carryover a sum of money up to the amount of any designated cap.

(19) All choose (n) rules and methods of calculations must be available and posted for the bettors by the association.

(20) It is a violation of these rules for any person to provide information to any individual regarding covered combinations or amounts wagered on specific combinations. This rule is not intended to prohibit necessary communication

between parimutuel system and parimutuel department employees for processing of pool data. The association may be permitted to provide information regarding number of tickets sold and number of live tickets remaining to the wagering public.

(21) The association may suspend previously approved choose (n) wagering with the prior approval of the commission. Any carryover will be held until the suspended choose (n) wagering is reinstated. An association may request approval of a choose (n) wager or separate wagering pool for specific performances.

(22) Should circumstances occur which are not addressed by these rules, the stewards will resolve them in accordance with general parimutuel practice. Decisions regarding distribution of the choose (n) pool made by the stewards will be final.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-935, filed 8/14/08, effective 9/14/08; 06-15-091, § 260-48-935, filed 7/14/06, effective 8/14/06.]

WAC 260-48-940 Head-to-head wagering (1) Head-to-head wagering requires the selection of the winning contestant in a designated contest or series of contests, in a competition between two or more equally matched betting interests, or based on the sportsmanship and/or skill of the jockeys and/or trainers, regardless of the official placing of the other betting interests in that contest or series of contests.

(2) The choice of which contestants from a contest will participate in the head-to-head contest will be made as follows:

(a) The association must obtain approval from the board of stewards for each head-to-head contest.

(b) The matching of contestants for the head-to-head contest will be limited to contestant versus contestant, jockey versus jockey, and/or trainer versus trainer.

(c) The contestants chosen for the head-to-head wager will be conspicuously identified in the official program.

(3) The net head-to-head pool will be distributed to winning wagers in the following precedence, based on the official order of finish:

(a) As a single price pool to those whose selection finished first in a single head-to-head contest, or first in the greatest number of a series of head-to-head contests; but if there are no such wagers, then

(b) The head-to-head pool will be refunded.

(4) If there is a dead heat in a contest involving two or more of the contestants in:

(a) A single-contest head-to-head pool, then the entire pool will be refunded.

(b) One or more contests of a series, then all the contestants involved in the dead heat will be considered winners and the net pool will be distributed as a signal price pool, provided that;

(c) In a series of contests, if there is a dead heat in half or more of the contests then the head-to-head pool for those contests will be refunded.

(5) If any head-to-head contest is canceled or declared no contest:

(a) In a single-contest head-to-head pool, the pool will be refunded.

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(b) In a series of contests, if half or more of the contests are canceled or declared no contest, then the head-to-head pool for those contests will be refunded.

(6) If any contestant is scratched or declared a nonstarter in any head-to-head contest, then that contest will be canceled.

(7) If all contestants fail to finish in a head-to-head contest, then that contest will be canceled.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-940, filed 8/14/08, effective 9/14/08. Statutory Authority: RCW 67.16.020. 03-11-017, § 260-48-940, filed 5/12/03, effective 6/12/03.]

WAC 260-48-960 Handicapping contests. A licensed class 1 racing association may, with the approval of the commission, operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicapping contests must be conducted in accordance with the provisions of this rule.

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest. The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association will obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest will distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section will preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest will be set by the class 1 racing association. The entry fee and a description of all goods and services to be awarded as part of the handicapping contest must be fully disclosed to each participant prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, will also be fully disclosed to each participant prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association will provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of participants for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning participant.

(8) Any violation of this section will be referred to the executive secretary. The executive secretary will have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties. Any decision of the executive secretary may be challenged as provided in WAC 260-08-675.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-049, § 260-48-960, filed 8/14/08, effective 9/14/08; 05-19-016, § 260-48-960, filed 9/9/05, effective 10/10/05.]

Chapter 260-49 WAC

ADVANCE DEPOSIT WAGERING

WAC

Table listing WAC codes and descriptions: 260-49-010 Definitions, 260-49-020 Requirements to conduct authorized advance deposit wagering, 260-49-030 Advance deposit wagering service provider license for a class 1 racing association, 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations, 260-49-050 Establishing an account, 260-49-060 Operation of an account, 260-49-070 Distribution of source market fee, 260-49-080 Distribution of source market fee—More than one class 1 racing association, 260-49-090 Licensing fees to operate advance deposit wagering, 260-49-100 Enforcement and penalties.

WAC 260-49-010 Definitions. For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debits established by an account holder and managed by an authorized advance deposit wagering service provider.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering service provider has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering service provider" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an account with an authorized advance deposit wagering service provider.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license issued by the commission pursuant to chapter 67.16 RCW to hold race meets.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering service provider that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering service provider, the regulatory authority in the state that regulates the authorized advance deposit wagering service provider or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering service provider may verify a wager or account transaction as authorized by the account holder.

(19) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence

address is in Washington that is returned to the class 1 racing association and the commission.

(20) "Source market fee area" means the state of Washington.

(21) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering service provider to the account holder.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-010, filed 10/18/04, effective 11/18/04.]

WAC 260-49-020 Requirements to conduct authorized advance deposit wagering. (1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering service provider for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering by any person whose principal residence address is in the state of Washington may be conducted only by an authorized advance deposit wagering service provider licensed by the commission pursuant to this chapter.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering service provider.

(4) No advance deposit wagering service provider shall solicit, accept, open or operate an account for any person with a principal residence address in the state of Washington unless the service provider has received a license in good standing from the commission.

(5) The commission may suspend or revoke a license to operate as an authorized advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an authorized advance deposit wagering service provider and/or impose fines, if the authorized advance deposit wagering service provider, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering service provider located within Washington shall not solicit, accept, open or operate advance deposit wagering accounts for persons whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) The service provider has received a license from the commission in good standing;

(b) Wagering on that same type of live racing is lawful in the jurisdiction which is the person's principal residence; and

(c) The authorized advance deposit wagering service provider complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the jurisdiction, which is the principal place of residence of the applicant.

(7) The authorized advance deposit wagering service provider shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to Washington account holders are made. In the alternative, a service provider may provide other means of assurance of such payment including, but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in

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good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, letter of credit or other assurance of payment acceptable to the commission provided by the service provider shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the service provider's violation of chapter 67.16 RCW or these rules. The bond, letter of credit or other assurance of payment shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall be effective no sooner than thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, letter of credit or other assurance of payment the service provider shall file a new bond, letter of credit or other assurance of payment prior to the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering service provider.

(9) The content and frequency of reports from an authorized advance deposit wagering service provider shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this chapter shall file with the commission a monthly statement showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than twenty-five days after the end of each month.

(12) In determining whether to approve an application under this chapter, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering service provider is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering service provider; and

(c) Any other factor the commission identifies on the record as relevant to its determination.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-020, filed 10/18/04, effective 11/18/04.]

WAC 260-49-030 Advance deposit wagering service provider license for a class 1 racing association. (1) A class 1 racing association licensed under chapter 67.16 RCW and chapter 260-13 WAC may apply for a license from the commission to operate as an advance deposit wagering service

provider in accordance with chapter 67.16 RCW and this chapter.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the class 1 racing association shall file with the commission an original and five copies of the application and plan of operation.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering service provider would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering service provider will operate and the regular hours of operation;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the advance deposit wagering service provider;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate as an advance deposit wagering service provider.

(6) A license authorizes only the class 1 racing association to establish, manage and operate an advance deposit wagering service provider. The class 1 racing association shall not subcontract operation of the advance deposit wagering service provider to another person or entity.

(7) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(8) No subsequent changes in the advance deposit wagering service provider's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The commission, or its staff, shall be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-030, filed 10/18/04, effective 11/18/04.]

WAC 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations. (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the advance deposit wagering service provider must have:

(a) An agreement with a class 1 racing association, that has been approved by the commission; and

(b) A license from the commission to conduct advance deposit wagering.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the entity shall file with the commission an original and five copies of the application and plan of operation.

(3) The operator of an advance deposit wagering service provider applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) If the service provider is an individual, his/her legal name and the legal name of his/her spouse and dates of birth and address;

(b) If the service provider is a corporation:

(i) The date and place of incorporation;

(ii) The names and addresses of its shareholders, and the names, addresses and dates of birth of directors and officers who are natural persons; and

(iii) If a shareholder is a corporation then the date and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers. If the service provider is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the service provider is a general or limited partnership, the names, addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to require fingerprints as part of the license application process;

(e) Information from the service provider that demonstrates whether the service provider has the financial resources to operate as an advance deposit wagering service provider;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering service provider and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering service provider is located;

(h) A description of how the state where the service provider is located regulates and monitors the advance deposit wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering service provider must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(6) As part of the application for licensure as an advance deposit wagering service provider, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

(c) Programs for responsible wagering;

(d) A plan for verification of an applicant's identity, age and residence when establishing an account;

(e) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering service provider;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) An advance deposit wagering service provider located in Washington must include how the provider will implement the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and

(h) Any other issues as required by the commission.

(7) The commission may require changes to an advance deposit wagering service provider's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The advance deposit wagering service provider applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering service provider authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal resident address.

(9) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(10) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(11) The advance deposit wagering service provider accepting a license from the commission recognizes and

accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The advance deposit wagering service provider shall provide to the commission or its staff access to review and audit all records and financial information of the advance deposit wagering service provider, including all Washington account information. An advance deposit wagering service provider located in Washington, shall also provide access to the commission, or its staff to review and audit all records and financial information maintained by the advance deposit wagering service provider that relate to applications and accounts for persons whose primary residences are not located in Washington. This information shall be made available to the commission or its staff by the advance deposit wagering service provider at the service provider's location upon notice from the commission or commission staff at all reasonable times. The commission may require the service provider annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-040, filed 10/18/04, effective 11/18/04.]

WAC 260-49-050 Establishing an account. (1) An established account is necessary to place advance deposit wagers. An account may only be established with an authorized advance deposit wagering service provider.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

(i) The applicant's full legal name;

(ii) Principal residence address;

(iii) Telephone number;

(iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and

(v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering service provider shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering service provider provided the account holder is given notice in writing prior to the change.

(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;
- (c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one shall not have access to the account;
- (d) Such other information as the authorized advance deposit wagering service provider or the commission may deem appropriate.
- (5) Accounts shall only be accepted in the name of a natural person.
- (6) The account is nontransferable between natural persons.
- (7) The authorized advance deposit wagering service provider may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.
- (8) Any disputes between an account holder and an authorized advance deposit wagering service provider shall follow the dispute resolution procedures contained in the authorized advance deposit wagering service provider's plan of operations as approved by the commission. If the authorized advance deposit wagering service provider fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.
- (9) The authorized advance deposit wagering service provider shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.
- (10) If the authorized advance deposit wagering service provider is located in Washington, no account shall be established for any natural person under the age of twenty-one.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-050, filed 10/18/04, effective 11/18/04.]

WAC 260-49-060 Operation of an account. (1) The authorized advance deposit wagering service provider may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering service provider may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering service provider;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering service provider;

(ii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering service provider;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering service provider.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering service provider of an advance deposit wager, the authorized advance deposit wagering service provider shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering service provider;

(c) The authorized advance deposit wagering service provider may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering service provider in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering service provider shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Notwithstanding any other rules, the authorized advance deposit wagering service provider may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering service provider is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(8) The authorized advance deposit wagering service provider has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(9) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(10) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(11) The authorized advance deposit wagering service provider shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(12) No employee or agent of the authorized advance deposit wagering service provider shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering service provider, except to the account holder or as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-060, filed 10/18/04, effective 11/18/04.]

WAC 260-49-070 Distribution of source market fee.

(1) A source market fee shall be paid monthly, unless otherwise directed by the commission, for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, unless otherwise directed by the commission, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 05-19-015, § 260-49-070, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-070, filed 10/18/04, effective 11/18/04.]

WAC 260-49-080 Distribution of source market fee—More than one class 1 racing association. (1) The source market fee generated from wagers on a class 1 racing association's live races will be distributed to the class 1 racing association conducting that meet after deducting contributions to the commission, one percent owners bonus, breeders awards, and class C purse fund per WAC 260-49-070. The

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remaining source market fee from the class 1 racing association's live meet shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association.

(2) The source market fee generated from races conducted outside Washington shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets after deducting contributions to the commission, one percent owners' bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining proportional share of the source market fee from races conducted outside Washington shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association. "All sources of parimutuel wagering" shall mean the total of in-state and out-of-state wagering on the associations' live race meet. This percentage must be calculated annually. The commission shall calculate the proportion of the source market fee for each class 1 racing association based upon the preceding calendar year. The commission shall inform the authorized advance deposit wagering service provider(s) of the percentage of source market fee to be distributed to each class 1 racing association. The authorized advance deposit wagering service provider(s) shall distribute the source market fee to the class 1 racing associations according to the percentages established by the commission.

(3) A class 1 racing association is not entitled to source market fees until it has completed one race meet in accordance with the requirements of RCW 67.16.200.

(4) A class 1 racing association must complete a live race meet in accordance with RCW 67.16.200 within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering and to receive a proportionate share of the source market fee.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-080, filed 10/18/04, effective 11/18/04.]

WAC 260-49-090 Licensing fees to operate advance deposit wagering. (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due thirty days prior to the license expiration. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-090, filed 10/18/04, effective 11/18/04.]

WAC 260-49-100 Enforcement and penalties. (1) Any violations of this chapter will be referred to the executive secretary. The executive secretary has sole authority to ensure compliance with these rules, make initial agency

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determination on violations, and determine penalties for violations.

(2) The executive secretary may suspend or revoke a license issued to an advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering service provider and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering activities, as demonstrated through the prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefore by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefore from the commission or its staff;

(h) Commits, or has committed, any other act that the executive secretary determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The executive secretary will afford a licensee the opportunity for a conference prior to denial, suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering service provider a conference on refusal of approval or withdrawal of approval of the agreement between the association and the service provider.

(4) The executive secretary has authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

(5) If the executive secretary imposes a fine, suspension, or revocation of license, the applicant or licensee may request a hearing before the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-49-100, filed 3/13/08, effective 4/13/08. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-100, filed 10/18/04, effective 11/18/04.]

Chapter 260-52 WAC

THE RACE—PADDOCK TO FINISH

WAC

260-52-010 Paddock to post.

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| 260-52-020 | Post position. |
| 260-52-030 | Starting the race. |
| 260-52-040 | Post to finish. |
| 260-52-060 | Camera malfunctions and determining finish positions. |
| 260-52-070 | Declaring race "official." |
| 260-52-080 | Official time of the race. |
| 260-52-090 | Dead heats. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 260-52-050 | Placing judges—Duties. [Order 75-1, § 260-52-050, filed 2/18/75; Rule 202, filed 1/30/67; Rule 202, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
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WAC 260-52-010 Paddock to post. (1) Permission must be obtained from a steward to exercise a horse between races.

(2) In a race, each horse must carry a conspicuous saddlecloth number and a head number, corresponding to its number on the official program. In the case of an entry each horse making up the entry must carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of a field the horses comprising the field must carry an individual number; i.e., 12, 13, 14, 15, and so on.

(3) After the horses enter the track, and before the start of the race, no jockey may dismount and no horse may be handled by anyone other than the jockey, the starter, the starter's assistants, the outrider, the pony rider, or the official veterinarian without permission of the stewards or the starter.

(4) In the case of injury to a jockey, his/her mount, or damage to equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay. The stewards may permit all jockeys to dismount during the delay.

(5) All horses must participate in the post parade, which includes passing the steward's stand and, all horses must carry their weight from the paddock until the finish of the race unless approved by the stewards.

(6) The post parade may not exceed twelve minutes unless approved by the stewards. When horses have reached the post, they will be started without unnecessary delay.

(7) If the jockey is injured on the way to the post, the horse will be taken to the paddock and another jockey obtained, if available.

(8) No person may wilfully delay the arrival of a horse at the post.

(9) No person other than the rider, starter, or assistant starter may strike a horse, or attempt to assist the horse in starting.

(10) A jockey is not required to carry a whip. However, in any race in which a jockey will not ride with a whip, the public will be notified prior to the race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-010, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-010, filed 3/24/81; Rules 187 through 196, filed 4/21/61.]

WAC 260-52-020 Post position. Post position will be determined publicly by lot in the presence of the racing secretary or his/her deputy, a steward or steward designee. In the

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event of a scratch at a designated time, and if "also-eligible" horses are listed, all horses will move up in post position order; except in the case of a race on the straightaway, in which case the also-eligible must take the starting position of the horse scratched. The above rule will apply unless the association specifically states otherwise in its stakes or condition book.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-020, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-20-028, § 260-52-020, filed 9/27/00, effective 10/28/00; Order 3, § 260-52-020, filed 5/12/69; Rule 210, filed 4/21/61.]

WAC 260-52-030 Starting the race. (1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls does not open properly or if the action by any starting gate personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a nonstarter.

(3) Should a horse not be in the starting gate stall at the time the starting gates are opened, the horse will be declared a nonstarter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event occur during the running of the race, which compromises the fairness of the race or the safety of the participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one or more parimutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multirace wagers.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-030, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-030, filed 3/1/00, effective 4/1/00; Order 74.2, § 260-52-030, filed 10/30/74; Order 73.7, § 260-52-030, filed 12/3/73; Rules 247, 248, 249 and 254, filed 4/21/61.]

WAC 260-52-040 Post to finish. (1) All horses must be ridden out in every race. A jockey may not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey must always give his/her best effort during a race. Each horse must be ridden to win. No jockey may cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(2) If a jockey strikes or touches another jockey or another jockey's horse or equipment, his/her mount may be disqualified.

(3) When clear in a race a horse may be ridden to any part of the course. If any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, the horse may be disqualified.

(4) A horse may not interfere with another horse and thereby cause the other horse to lose ground or position, or cause the other horse to break stride. When this interference occurs in the part of the race where the other horse loses the opportunity to place where it might reasonably be expected to finish, the stewards may disqualify the interfering horse.

(5) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.

(6) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane and inter-

feres, impedes, or intimidates another horse, it may be considered a foul and may result in the disqualification of the offending horse.

(7) When a horse is disqualified, the stewards may place the offending horse behind the horse(s) it interfered with, place it last, or declare it unplaced and ineligible for any purse money and/or time trial qualification. In the case of multiple disqualifications, under no circumstance may a horse regain its finishing position once it has been disqualified.

(8) If a horse is disqualified, any horses it is coupled with may also be disqualified.

(9) When a horse is disqualified in a time trial race, for the purposes of qualifying only, it must receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and remain eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

(10) In time trials, horses must qualify on the basis of time and order of finish. Times are determined by the official timer. If the automatic timer malfunctions, averages of a minimum of three hand times must be used for that individual race. In the instance of horses competing in the same race receiving identical times, order of finish must determine qualifiers. In the event two or more horses receive identical times for the final qualifying position, a draw by lot conducted by the stewards will determine the final qualifying positions.

(11) If a horse that qualified for the finals should be unable to enter due to racing soundness or scratched for any other reason other than a positive test or rule violation, the owner will receive last place purse money. If more than one horse is scratched from the final, then those purse moneys will be added together and distributed equally among those owners.

(12) If a qualifier for a final or consolation is disqualified for ineligibility or a rule violation after the time trials are declared official, but prior to entry for the final or consolation, the nonqualifier with the next fastest time must replace the disqualified horse. If a qualifier is disqualified after entry for the final or consolation for any reason other than unsoundness, illness or death, the purse will be redistributed among the remaining qualifiers.

(13) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person will be considered prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify any horse involved, and summarily suspend the individual in possession of the device.

(14) Any jockey carrying a whip during a race must use the whip in a manner consistent with using his/her best efforts to win.

(15) Any jockey who uses a whip during the running of a race is prohibited from whipping a horse:

- (a) In an excessive or brutal manner;
- (b) On the head, flanks, or on any part of its body other than the shoulders or hind quarters;
- (c) During the post parade except when necessary to control the horse;
- (d) When the horse is clearly out of the race;

(e) Steadily, even though the horse is showing no response to the whip.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-040, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-040, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-040, filed 3/24/81; Rule 211, filed 4/21/61.]

WAC 260-52-060 Camera malfunctions and determining finish positions. (1) The photo finish cameras will be used as an aid to the stewards, however, in the event of a malfunction of the camera, the decision by the stewards of the order of finish is final.

(2) In placing the horses at the finish, the position of the horses' noses only will be considered and not any other part of the body.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-060, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-07-041, § 260-52-060, filed 3/6/00, effective 4/6/00; Rule 203, filed 1/30/67; Rules 203 and 204, filed 4/21/61.]

WAC 260-52-070 Declaring race "official." (1) The clerk of the scales will weigh in at least the first four placing jockeys after each race, and after weighing, will notify the stewards if the weights are correct. The stewards may then declare the race official. However, the commission may authorize a racing association to employ a "quick official" method of declaring a race official when a written request is received from the racing association at least 45 days prior to the opening of the race meeting. When using the "quick official," jockeys must claim foul immediately following the running of the race, while still mounted on the race track. The association will be responsible for having an outrider or other individual situated on the race track and equipped with a communication device for relaying any objections to the stewards. Owners and trainers must claim foul directly to the stewards via telephones assigned by the association for that purpose and situated throughout the facility. No claim of foul will be considered by the stewards after a race has been declared official.

(2) Nothing in these rules will prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign, "official" in case of an error.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-070, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 99-05-047, § 260-52-070, filed 2/12/99, effective 3/15/99; Rules 205 and 206, filed 4/21/61.]

WAC 260-52-080 Official time of the race. The time recorded for the first horse to cross the finish line will be the official time of the race. (Except as provided by WAC 260-70-710.)

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-080, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 00-20-027, § 260-52-080, filed 9/27/00, effective 10/28/00; Rule 277, filed 4/21/61.]

WAC 260-52-090 Dead heats. (1) In a dead heat for first place, each horse will be declared a winner and the actual earning the horse receives will be used to determine future eligibilities.

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(2) When a dead heat occurs for first place, all purses or prizes to which the first and second place horses would have been entitled to will be divided equally among them. This will apply in dividing all purses or prizes, whatever number of horses are involved in the dead heat, and for whatever places the dead heat is run.

(3) When a dead heat is run for second place and an objection or inquiry is made against the winner of the race, and the winner is disqualified, the horses that finished in the dead heat for place will both be declared winners. This will apply when determining the official placing, whatever number of horses is involved in the dead heat, and for whatever places the dead heat is run.

(4) If the owners involved in a dead heat cannot agree as to which of them is to receive a trophy, plaque, or other prize that cannot be divided, the decision will be determined by lot by the stewards or their designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-52-090, filed 2/15/08, effective 3/17/08.]

Chapter 260-56 WAC OBJECTIONS AND PROTESTS

WAC

| | |
|------------|---|
| 260-56-010 | Objections (claim of foul). |
| 260-56-031 | Prerace protests. |
| 260-56-035 | Post-race protests. |
| 260-56-040 | Disposition of moneys, prizes, pending outcome. |
| 260-56-050 | Withdrawal of protests. |
| 260-56-060 | Frivolous protests or objections. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|--|
| 260-56-020 | Requisites—Time for filing. [Rules of racing, §§ 222 through 225, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-56-030 | Costs and expenses. [Rules of racing, §§ 226, 227, filed 4/21/61.] Repealed by 05-05-044, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-56-070 | Records and reports. [Rules of racing, § 231, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-56-010 Objections (claim of foul). (1) An objection involving the running of a race, may be filed by the owner, his/her authorized agent, trainer, or jockey of a horse in the race, or by a racing official of the meeting.

(2) An objection may be received by the clerk of scales, stewards, or their designees.

(3) An objection must be filed before the race is declared official, including whenever the "quick official" method is used.

(4) The stewards will rule on all objections and determine the extent of disqualification, if any, of a horse in the race. The stewards' decision is final and cannot be challenged under WAC 260-08-675.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-56-010, filed 2/15/08, effective 3/17/08; Rules of racing, §§ 220, 221, filed 4/21/61.]

WAC 260-56-031 Prerace protests. (1) All prerace protests to the participation of a horse entered in any race

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must be made in writing to the board of stewards, signed by the person making the protest, and submitted no later than fifteen minutes prior to post time for the race in question. The protest must contain the specific reason or grounds for the protest.

(2) A protest to a horse which is entered in a race may be made on, but not limited to, the following:

(a) An error or omission in the entry of a horse;

(b) The horse entered to run is not the horse it is represented to be at the time of entry;

(c) The horse is not qualified to enter under the conditions specified for the race, the weight allowances are improperly claimed, or the weight to be carried is incorrect according to the conditions of the race; or

(d) The horse is owned in whole or in part, or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules.

(3) The decision of a prerace protest by the board of stewards is final and may not be appealed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-56-031, filed 2/15/08, effective 3/17/08.]

WAC 260-56-035 Post-race protests. (1) A protest against any horse which has started in a race must be made in writing to the board of stewards, signed by the person making the protest, and submitted within seventy-two hours of the race (excluding nonrace days). If the incident for which the protest is made occurs within the last two days of the meeting, the protest must be filed within seventy-two hours of the closing day.

(2) A protest may be made on any of the following grounds:

(a) The order of finish as officially determined by the stewards was incorrect due to an oversight or errors in the number of the horses which started the race;

(b) The weight carried by a horse was improper, due to fraud or willful misconduct; or

(c) An unfair advantage was gained by violation of the rules.

(3) The time limitation on the filing of protests will not apply in any case in which fraud or willful misconduct is involved.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-56-035, filed 2/15/08, effective 3/17/08.]

WAC 260-56-040 Disposition of moneys, prizes, pending outcome. (1) Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest will be held by the racing association until the protest is decided.

(2) If a protest is upheld by the board of stewards, any purse moneys or prizes previously distributed must be returned for redistribution.

(3) Any person who fails to return any purse moneys or other prizes for redistribution may be subject to disciplinary action by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-56-040, filed 2/15/08, effective 3/17/08; Rules of racing, § 228, filed 4/21/61.]

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WAC 260-56-050 Withdrawal of protests. A protest may not be withdrawn without permission of the stewards.

[Rules of racing, § 229, filed 4/21/61.]

WAC 260-56-060 Frivolous protests or objections. No person may make frivolous protests or objections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-56-060, filed 2/15/08, effective 3/17/08; Rules of racing, § 230, filed 4/21/61.]

Chapter 260-60 WAC

CLAIMING

WAC

- 260-60-300 Who may claim.
- 260-60-310 Entering in a claiming race—Debts and leased horse.
- 260-60-330 Claims to be in amount printed on program.
- 260-60-340 Disposition by lot.
- 260-60-350 Requirements for a claim.
- 260-60-360 Stewards to act on claims.
- 260-60-370 Affidavit.
- 260-60-380 Prohibited actions.
- 260-60-390 Claim in bad faith.
- 260-60-400 Entry of a filly or mare in foal.
- 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title.
- 260-60-420 Claimed horse—Refusal to deliver.
- 260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner.
- 260-60-450 Claimed horse—Restrictions.
- 260-60-460 Cancellation of claims.
- 260-60-470 Rules apply to all races.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 260-60-010 Who may claim—Owner or agent. [Order 73.7, § 260-60-010, filed 12/3/73; Rules of racing, § 33, filed 4/21/61; Amended 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-020 Prospective owner or agent. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-032 (Order 79-04), § 260-60-020, filed 12/17/79; Order 73.7, § 260-60-020, filed 12/3/73; Rules of racing, § 33(a), Added 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-030 Limit as to number claimed. [Rules of racing, §§ 34, 35, 36, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-040 Claims to be in amount printed on program—Disposition by lot. [Rules of racing, § 41, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-050 Formal requisites of claim. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-050, filed 4/22/81; Rules of racing, § 42, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-060 Deposit with association of amount of claim—Receipt credit. [Order 73.7, § 260-60-060, filed 12/3/73; Rules of racing, § 43, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-070 Time for deposit of claim in claiming box—Claims irrevocable. [Order 73.7, § 260-60-070, filed 12/3/73; Rules of racing, § 46, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-080 Divulging information prohibited. [Rules of racing, § 47, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-090 Stewards to pass on claims. [Order 73.7, § 260-60-090, filed 12/3/73; Rules of racing, § 48, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

- 260-60-100 Affidavit as to claim in own account or as agent. [Rules of racing, § 50, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-110 Unlawful agreements—Intimidation. [Rules of racing, § 52, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-115 Claim in bad faith. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-115, filed 4/22/81.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-120 Disclosure of incumbrances—Entry of mare in foal in a claiming race. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-60-120, filed 3/24/81; Rules of racing, § 53, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-130 Claiming race, limit as to horses in same interest or control. [Rules of racing, § 44, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-140 Claimed horse—In whose interest run—Delivery and passage of title. [Rules of racing, § 49, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-150 Claimed horse—Refusal to deliver. [Rules of racing, § 51, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-160 Claimed horse—Subsequent entry. [Rules of racing, § 37, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-170 Claimed horse—Subsequent sale or transfer—Retention by owner. [Rules of racing, § 38, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-180 Claimed horse—Racing elsewhere. [Rules of racing, § 39, filed 8/26/65; Rules of racing, § 39, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-190 Claimed horse—Title recognized according to rules of meeting. [Rules of racing, § 40, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-200 Claimed horse—Foal certificate. [Rules of racing, § 45, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-210 Cancellation of claims. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-210, filed 4/22/81; Rules of racing, § 57, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-220 Claiming rights when stable eliminated. [Rules of racing, §§ 55, 56, filed 4/21/61.] Repealed by Order 73.7, filed 12/3/73.
- 260-60-230 Rules apply to all races. [Rules of racing, § 54, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-320 Limit to number. [Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-320, filed 5/23/96, effective 6/23/96.] Repealed by 05-07-063, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-60-430 Claimed horse—Subsequent entry. [Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-430, filed 5/23/96, effective 6/23/96.] Repealed by 06-07-061, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-60-300 Who may claim. (1) In claiming races, any horse is subject to be claimed for its entered price by any owner licensed by the commission, including a prospective owner who has been issued a claiming certificate, or by a licensed authorized agent for the account of such owner.

(2) In order to claim a horse as a prospective owner, a person will submit to the stewards a completed application for a prospective owner's license and the name of a licensed

trainer who will assume the care and responsibility for any horse claimed. The stewards may issue a claiming certificate to the applicant upon satisfactory evidence that the applicant is eligible for an owner's license. Once the prospective owner has successfully claimed a horse and made payment of labor and industry fees due, he/she will be considered an owner. At that time the owner should contact a commission office for a new identification badge.

(3) The names of licensed prospective owners who have been issued a claiming certificate must be prominently displayed in the offices of the commission and the racing secretary.

(4) A claiming certificate will expire forty-five days from the date of issue, but may be extended with approval of the stewards; at the conclusion of the race meet at which it was issued, upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(5) No owner or prospective owner may claim more than one horse in any one race.

(6) An authorized agent may claim up to two horses, if each horse is claimed on behalf of entirely different owner-ships, and the owner-ships do not have a common interest in both claims. An authorized agent may not make a claim on the same horse for different owners.

(7) No more than two claims may be entered with the same trainer listed in any one race.

(8) No trainer may enter or start more than two horses for a claiming price in one race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-300, filed 2/15/08, effective 3/17/08; 05-07-063, § 260-60-300, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-24-019, § 260-60-300, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-300, filed 5/23/96, effective 6/23/96.]

WAC 260-60-310 Entering in a claiming race—Debts and leased horse. A person entering a horse in a claiming race must remain responsible for any existing debts associated with the horse. A transfer of ownership following an approved claim will terminate any existing prior lease for that horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-310, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-310, filed 5/23/96, effective 6/23/96.]

WAC 260-60-330 Claims to be in amount printed on program. The claiming price of each horse in a claiming race will be printed on the program. Except as ordered by the stewards, no claiming price may be changed after a horse has been entered for a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-330, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-330, filed 5/23/96, effective 6/23/96.]

WAC 260-60-340 Disposition by lot. Should more than one claim be filed for the same horse, the claim of the horse will be determined by lot under the direction of one or more of the stewards, or their representative.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-340, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-340, filed 5/23/96, effective 6/23/96.]

WAC 260-60-350 Requirements for a claim. (1) Claims must be made in writing and signed by an owner, a licensed prospective owner, or an authorized agent; and

(2) Be made on forms and in envelopes furnished by the association and approved by the commission. Both forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim.

(3) In the case of joint ownership only one owner needs to sign.

(4) No money will accompany the claim. Each person desiring to make a claim, must first establish an account with the racing association and have on deposit with the association the whole amount of the claim (including any applicable taxes). The deposit must be in cash, or in the discretion of the association, a certified or bank cashier check.

(5) Claims must be deposited in the claiming box at least fifteen minutes before the established post time of the race for which the claim is filed. When a claim has been filed it is irrevocable and at the risk of claimant.

(6) When a claiming certificate is to be used, that certificate must accompany the claim, or the claim may be declared void.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-350, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-350, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-350, filed 5/23/96, effective 6/23/96.]

WAC 260-60-360 Stewards to act on claims. After deposit of the claim the stewards or their authorized representative, will review the claim. Unless approved at such time, the claim will be deemed void. A ruling deeming a claim to be void will be final in all respects.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-360, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-360, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-360, filed 5/23/96, effective 6/23/96.]

WAC 260-60-370 Affidavit. The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to affirm in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-370, filed 5/23/96, effective 6/23/96.]

WAC 260-60-380 Prohibited actions. (1) No official or other employee of any association may give any information as to the filing of claims until after the race has been run.

(2) A person is prohibited from offering, or entering into an agreement, to claim or not to claim, or attempting to prevent another person from claiming, any horse in a claiming race.

(3) A person is prohibited from attempting, by intimidation, to prevent any one from running a horse in any race for which it is entered.

(4) An owner or trainer, starting a horse in any claiming race, is prohibited from making any agreement for the protection of each other's horses from being claimed by a third party.

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(5) A person is prohibited from participating in any claim for a horse in which he/she has a financial or beneficial interest.

(6) A person must not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(7) A person must not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-380, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-380, filed 5/23/96, effective 6/23/96.]

WAC 260-60-390 Claim in bad faith. If the stewards find that a person has leased, sold or entered a horse merely for the purpose of entering a claim, that claim may be declared void.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-390, filed 5/23/96, effective 6/23/96.]

WAC 260-60-400 Entry of a filly or mare in foal. A person is prohibited from entering a filly or mare in a race when the filly or mare is pregnant, unless prior to the time of entry the owner has deposited with the racing secretary a signed agreement providing that the owner will at the time of entry provide for the successful claimant of such mare, without cost, protest, or fee of any kind, a valid stallion service certificate covering the breeding of the filly or mare. A successful claimant of a filly or mare may file with the commission a protest for cancellation of the claim if it is determined the claimed mare is pregnant and the agreement concerning the stallion service certificate was not deposited as required by this section. An in-foal filly or mare will be eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure that the filly or mare is in foal is on file with the racing secretary and the information is posted in his/her office;

(2) The stallion service certificate has been deposited with the racing secretary's office and attached to the horse's foal registration certificate;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) No filly or mare in foal may race, in a claiming race, after the fifth month of pregnancy.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-400, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-400, filed 5/23/96, effective 6/23/96.]

WAC 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title. Any purse moneys and prizes earned by a claimed horse will be awarded to the owner that entered the horse. All claims are valid and ownership of the claimed horse is official from the time the claimed horse becomes a "starter." The successful claimant becomes the owner of the horse, whether it be alive or dead, sound or unsound, or injured during the race or after it. Transfer of possession of a claimed horse will take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the successful claimant or his/her repre-

representative must maintain physical custody of the claimed horse. However, the original owner, trainer or his/her representative will accompany the horse, observe the testing procedure and sign the test sample tag.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-410, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-410, filed 5/23/96, effective 6/23/96.]

WAC 260-60-420 Claimed horse—Refusal to deliver.

No person may refuse to deliver to the person legally entitled to a horse claimed out of a claiming race. Refusal to complete the transfer of a claimed horse will result in the suspension of the individual's license and the horse is ineligible to enter until the transfer is complete.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-420, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-420, filed 5/23/96, effective 6/23/96.]

WAC 260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner.

If a horse is claimed it may not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim. No horse that has been claimed may return to or remain in the same stable or under the control or management of its former owner or trainer for a period of thirty days from the date of the claim.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-440, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-440, filed 5/23/96, effective 6/23/96.]

WAC 260-60-450 Claimed horse—Restrictions.

When a horse is claimed at a recognized meeting under rules which conflict with chapter 260-60 WAC, any restrictions concerning the claimed horse will be recognized in Washington to follow the rules of the meeting under which the claim was made.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-450, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-450, filed 5/23/96, effective 6/23/96.]

WAC 260-60-460 Cancellation of claims. If within thirty days from the running of the race, in which a horse is claimed, the stewards find that a claim was made in violation of the rules of racing the stewards may disallow and cancel any such claim and order the return of the horse and order the return and refund the claim amount. In deciding whether to cancel a claim the stewards will consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-460, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-460, filed 5/23/96, effective 6/23/96.]

WAC 260-60-470 Rules apply to all races. These rules apply to all races under the jurisdiction of the commission.

[Title 260 WAC—p. 84]

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-60-470, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-470, filed 5/23/96, effective 6/23/96.]

Chapter 260-64 WAC

WINNINGS

WAC

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| 260-64-010 | Winnings—"Winner of a certain sum." |
| 260-64-020 | Winnings in stake race. |
| 260-64-040 | Foreign winnings. |
| 260-64-050 | Entrance money, starting and nomination fees. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-64-030 | Extra amount won in series of races. [Rules of racing, § 317, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-64-060 | Dead heats. [Rules of racing, §§ 77 through 81, filed 4/21/61.] Repealed by 08-05-088, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |

WAC 260-64-010 Winnings—"Winner of a certain sum." Winnings must include all purse moneys won for placing first in any race up to post time of the race entered, and will apply to all races in any country. Winnings during the year will be determined from January 1st of the corresponding year.

Winner of a certain sum means the winner of a single race of that value unless otherwise expressed in the conditions.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-64-010, filed 2/15/08, effective 3/17/08; Order 74.2, § 260-64-010, filed 10/30/74, effective 1/1/75; Rules of racing, § 315, filed 4/21/61.]

WAC 260-64-020 Winnings in stake race. The winnings of a horse in a stake race will be computed on the value of the gross earnings, including any added moneys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-64-020, filed 2/15/08, effective 3/17/08; Rules of racing, § 316, filed 4/21/61.]

WAC 260-64-040 Foreign winnings. Foreign winnings will be estimated on the basis of the rate of exchange prevailing on the day of the winnings.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-64-040, filed 2/15/08, effective 3/17/08; Rules of racing, § 318, filed 4/21/61.]

WAC 260-64-050 Entrance money, starting and nomination fees. The entrance money, starting and nomination fees, in every race, will go to the winner unless otherwise provided in its conditions. If a race is not run, all stakes or entrance money must be returned.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-64-050, filed 2/15/08, effective 3/17/08; Rules of racing, § 319, filed 4/21/61.]

Chapter 260-66 WAC

WALKING OVER

WAC

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| 260-66-010 | Walking over. |
| 260-66-020 | Purse money. |
| 260-66-030 | Entry of two or more horses. |

WAC 260-66-010 Walking over. If, at post time, only one horse remains eligible to race, that horse must be ridden past the judge's stand, break from the starting gate, and complete the listed distance of the race. The horse will then be declared the winner.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-66-010, filed 2/15/08, effective 3/17/08; Rules of racing, § 292, filed 4/21/61.]

WAC 260-66-020 Purse money. In case of a walkover, the horse walking over will receive:

- (1) In overnight races, the winner's rightful share of first money.
- (2) In stake races, the winner's rightful share of the added money and all nomination and entrance fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-66-020, filed 2/15/08, effective 3/17/08; Rules of racing, §§ 293, 294, filed 4/21/61.]

WAC 260-66-030 Entry of two or more horses. In case of a walkover involving a coupled entry of two or more horses all horses involved must participate as stated in WAC 260-66-010.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-66-030, filed 2/15/08, effective 3/17/08; Rules of racing, § 295, filed 4/21/61.]

Chapter 260-70 WAC

EQUINE MEDICATION PROGRAM

WAC

- 260-70-500 Definitions applicable to chapter 260-70 WAC.
- 260-70-510 Equine health and safety.
- 260-70-540 Veterinarians' reports.
- 260-70-545 Prohibited practices.
- 260-70-550 Medication labeling.
- 260-70-560 Treatment restrictions.
- 260-70-570 All horses are subject to inspection.
- 260-70-580 Official veterinarian's list.
- 260-70-590 Reporting to the test barn.
- 260-70-600 Sample collection.
- 260-70-610 Storage and shipment of split samples.
- 260-70-620 Medication restrictions.
- 260-70-630 Threshold levels.
- 260-70-640 Permitted medication.
- 260-70-645 Anti-ulcer medications.
- 260-70-650 Furosemide.
- 260-70-660 Furosemide and bleeder lists.
- 260-70-675 Bicarbonate testing.
- 260-70-680 Uniform classification guidelines.
- 260-70-710 Voiding track record.
- 260-70-720 Posterior digital neurectomy.
- 260-70-730 Postmortem examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 260-70-010 Definitions applicable to chapter 260-70 WAC. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-04-026 (Order 88-06), § 260-70-010, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-010, filed 7/8/87; 86-09-072 (Order 86-02), § 260-70-010, filed 4/21/86; 84-06-061 (Order 84-01), § 260-70-010, filed 3/7/84; Order 75.5, § 260-70-010, filed 10/17/75; Order 74.1, § 260-70-010, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-020 Medication permitted—Prohibited. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-020, filed 5/4/78; Order 74.1, § 260-70-020, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-70-021 Medication standards. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No.

- 87-03), § 260-70-021, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-021, filed 3/7/84; 82-03-053 (Order 82-01), § 260-70-021, filed 1/20/82; 80-01-072 (Order 79-02), § 260-70-021, filed 12/24/79.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-025 Bleeder list. [Statutory Authority: RCW 67.16.040. 93-23-009, § 260-70-025, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-025, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-026 Bleeder treatment. [Statutory Authority: RCW 67.16.040. 94-20-070, § 260-70-026, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-026, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-026, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-027 Reciprocity of bleeder list. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-027, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-028 Detention stall. [Statutory Authority: RCW 67.16.040. 93-23-008, § 260-70-028, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-029 Receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-029, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-030 When administration prohibited. [Order 74.1, § 260-70-030, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-70-031 Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-031, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-032 Exclusion from receiving and detention barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-032, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-040 Horses to be tested. [Statutory Authority: RCW 67.16.040. 94-04-002, § 260-70-040, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-70-040, filed 3/9/82; Order 74.1, § 260-70-040, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-050 Procedure for taking specimens. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-050, filed 7/8/87. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-050, filed 5/4/78; Order 74.1, § 260-70-050, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-060 Effect of laboratory analysis. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-060, filed 5/4/78; Order 74.1, § 260-70-060, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-070 Persons responsible. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-070, filed 5/4/78; Order 74.1, § 260-70-070, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-080 Procedure upon positive finding by chief chemist. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-080, filed 5/4/78; Order 74.1, § 260-70-080, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-

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| | 001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-230 | List of nerved horses. [Order 74.1, § 260-70-230, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-090 | Permitted level of approved NSAIDs. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-04-026 (Order 88-06), § 260-70-090, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-090, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-090, filed 3/7/84; 80-05-132 (Order 79-03), § 260-70-090, filed 5/7/80; Order 74.1, § 260-70-090, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-240 | Examination required. [Order 74.1, § 260-70-240, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-100 | Penalties relating to overage of permitted medication. [Statutory Authority: RCW 67.16.020 and 67.16.040. 85-12-057 (Order 85-02), § 260-70-100, filed 6/5/85; 84-06-061 (Order 84-01), § 260-70-100, filed 3/7/84; 83-19-054 (Order 83-04), § 260-70-100, filed 9/19/83; 82-03-053 (Order 82-01), § 260-70-100, filed 1/20/82; 80-05-132 (Order 79-03), § 260-70-100, filed 5/7/80; Order 74.1, § 260-70-100, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-250 | Medication procedures and related instructions. [Order 74.1, § 260-70-250, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-110 | Commission may require association to set apart place for medication and testing. [Order 74.1, § 260-70-110, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-260 | Adulteration of sample. [Order 74.1, § 260-70-260, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-120 | Sampling medications and drugs. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-120, filed 7/8/87; Order 74.1, § 260-70-120, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-270 | Labelling of medications. [Order 74.1, § 260-70-270, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-130 | Voiding track record. [Order 74.1, § 260-70-130, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-280 | Effective date—Repealer. [Order 74.1, § 260-70-280, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-140 | Hypodermic instruments. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-70-140, filed 4/22/81; Order 74.1, § 260-70-140, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-290 | Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-290, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-150 | Who may administer medications. [Order 74.1, § 260-70-150, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-300 | Exclusion from receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-300, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. |
| 260-70-160 | Veterinarians under the supervision of state veterinarian—Test barn veterinarian. [Order 74.1, § 260-70-160, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-520 | Trainer responsibility. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-520, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-520, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-520, filed 4/17/96, effective 5/18/96.] Repealed by 07-03-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020. |
| 260-70-170 | Veterinarian report. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-170, filed 7/8/87; 80-05-132 (Order 79-03), § 260-70-170, filed 5/7/80. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-170, filed 5/4/78; Order 74.1, § 296-70-170, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-530 | Veterinarians under authority of official veterinarian. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-530, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-530, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-530, filed 4/17/96, effective 5/18/96.] Repealed by 07-07-036, filed 3/12/07, effective 4/12/07. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-180 | Improper medication. [Order 74.1, § 260-70-180, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-670 | Penalties—Guidelines. [Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-670, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-190 | Blocking of legs or ankles. [Order 74.1, § 260-70-190, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-690 | Penalty recommendations (in the absence of mitigating circumstances). [Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-690, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-200 | Bandages. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-200, filed 4/9/82. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-200, filed 5/4/78; Order 74.1, § 260-70-200, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | 260-70-700 | Penalties relating to permitted medication. [Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-700, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 00-07-042, § 260-70-700, filed 3/6/00, effective 4/6/00; 96-10-001, § 260-70-700, filed 4/17/96, effective 5/18/96.] Repealed by 05-07-067, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-70-210 | Nerving. [Order 74.1, § 260-70-210, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | | |
| 260-70-220 | Posterior digital neurectomy. [Order 74.1, § 260-70-220, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040. | | |

WAC 260-70-500 Definitions applicable to chapter 260-70 WAC. (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures from detecting a prohibited drug.

(2) "Post time" means the time set for the arrival of the horses at the starting point in a race as specified in writing and posted by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-500, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-500, filed

4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-500, filed 4/17/96, effective 5/18/96.]

WAC 260-70-510 Equine health and safety. The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of horses under the jurisdiction of the commission, and to safeguard the interests of the public and the participants in racing. The commission will hold an annual public meeting, to review veterinarian practices, equine health and medication. This meeting will include:

- (1) An annual report from an official veterinarian.
- (2) Presentation of data regarding equine medication and treatment, including a review of the commission's quantitative medication levels and any recommendations for modifications.
- (3) Public comment regarding equine health and safety, medication and veterinarian practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-510, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-510, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-510, filed 4/17/96, effective 5/18/96.]

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission must, on a form approved by the commission, report all treatment to an official veterinarian. The report must include the following:

- (a) The name of the horse treated;
- (b) The name of any medication, drug, or substance administered or prescribed;
- (c) The procedure administered;
- (d) The name of the trainer;
- (e) The date and time of treatment; and
- (f) Any other information required by the official veterinarian.

(2) The practicing veterinarian must sign the report and file the report with an official veterinarian no later than post time of the race for which the horse is entered. If the horse is not entered to run in a race, the report must be filed with an official veterinarian within forty-eight hours of treatment.

(3) A timely and accurate treatment report may be considered by the stewards or the commission as a mitigating factor when determining the penalty for violation of these rules.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-540, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-540, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-540, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-540, filed 4/17/96, effective 5/18/96.]

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of any drug, substance, or medication if the use may endanger the health or welfare of the horse or endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal, or any substance forbidden by an official veterinarian.

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(3) The possession and/or use of blood doping agents, including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure
- (4) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) Any treated horse may not race for a minimum of ten days following treatment;

(b) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines may only be used by veterinarians licensed by the commission;

(c) The practicing veterinarian has filed a report with an official veterinarian notifying the commission that an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official veterinarian on the prescribed form not later than twenty-four hours after treatment.

(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered and without the prior approval of an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-545, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-545, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-545, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-094, § 260-70-545, filed 2/18/04, effective 3/20/04.]

WAC 260-70-550 Medication labeling. (1) No person, excluding licensed veterinarians, may possess any drug, medication, chemical, foreign substance or other substance unless the product is labeled as required by this rule.

(2) Only medications and drugs prescribed or dispensed by a veterinarian licensed to practice veterinary medicine in this jurisdiction may be on the grounds of a racing association during its licensed race meet or training periods. All medications must have a prescription label attached with the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each horse (patient) the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the trainer or owner to whom the product was dispensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-550, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-550, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-550, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-550, filed 4/17/96, effective 5/18/96.]

WAC 260-70-560 Treatment restrictions. (1) Except as otherwise provided by this section, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer

a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Persons not licensed as veterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, and the substances do not interfere with post race testing:

(a) A recognized nutritional supplement or other substance, except that any such supplements or substances that have been disapproved by an official veterinarian may not be administered;

(b) A substance given at the direction of or by a prescription issued by a licensed veterinarian; or

(c) A nonprescription medication or substance.

(3) No person, other than a licensed veterinarian, may possess a hypodermic needle, syringe or device used for intravenous or intramuscular injections on the grounds, unless approved by the stewards. On all grounds under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the department of health.

(4) A person who has a medical condition requiring the use of a hypodermic needle, syringe or other device used for intravenous or intramuscular injections must possess a valid prescription issued by a physician licensed to practice medicine and prescribe medication. Such a person must control the storage and use of these devices and may be held accountable for any unauthorized use. Any person possessing a hypodermic needle or syringe without a valid prescription may be removed from the grounds.

(5) Veterinarians may not treat or administer medication or drugs to any horse on a race day before the post time for the race the horse is entered to run, except for the administration of furosemide under the guidelines set forth in WAC 260-70-650, unless first approved by an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-560, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-560, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-560, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-560, filed 4/17/96, effective 5/18/96.]

WAC 260-70-570 All horses are subject to inspection. All horses at locations under the jurisdiction of the commission are subject to inspections at the discretion of the stewards or an official veterinarian.

(1) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by an official veterinarian.

(2) The assessment of a horse's racing condition will be based on the recommendations of the American Association of Equine Practitioners and may include:

(a) Proper identification of the horse;

(b) Observation of each horse in motion;

(c) Manual palpation when indicated;

(d) Close observation in the paddock and saddling area, during the parade to post and at the starting gate; and

(e) Any other inspection deemed necessary by an official veterinarian.

(3) An official veterinarian will maintain a continuing health and racing soundness record of each horse inspected.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-570, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-570, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-570, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-570, filed 4/17/96, effective 5/18/96.]

WAC 260-70-580 Official veterinarian's list. (1) An official veterinarian will maintain a list of all horses determined by an official veterinarian to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when an official veterinarian determines the horse is capable of competing in a race.

(a) Horses placed on the veterinarian's list will remain on the list for a minimum of ten days. (For purposes of counting days, the first day is the day the horse is placed on the veterinarian's list.)

(b) After the tenth day, an owner or trainer may request a horse be removed from the veterinarian's list. Horses that must work to be removed from the veterinary list due to soreness, lameness, or certain injuries will be allowed to work no sooner than the eleventh day after being placed on the list.

(i) Works should be scheduled with an official veterinarian twenty-four hours in advance.

(ii) Horses must work a minimum distance to be determined by an official veterinarian in a time comparable for the track condition that day.

(iii) A blood test will be taken by an official veterinarian following the workout and medications levels may not exceed permitted post-race levels.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-580, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-580, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-580, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-580, filed 4/17/96, effective 5/18/96.]

WAC 260-70-590 Reporting to the test barn. (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission must be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, an official veterinarian, or the commission at any time on any horse on association grounds.

(3) A horse selected for testing must be taken directly to the test barn, unless otherwise directed by the stewards or an official veterinarian.

(4) Only persons currently licensed by the commission may enter the test barn on a race day. Licensees must have a valid reason for being in the test barn, and may be required to display their license. When accompanying a horse to the test barn no more than three licensees will be permitted to enter the test barn.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-590, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-590, filed 4/10/06, effective 5/11/06. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-590, filed 4/17/96, effective 5/18/96.]

WAC 260-70-600 Sample collection. (1) Sample collection shall be done in accordance with guidelines and instructions provided by official veterinarians.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) Blood samples must be collected at a consistent time, preferably not later than one hour post-race.

(e) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-067, § 260-70-600, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-600, filed 4/17/96, effective 5/18/96.]

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-600 (2)(b) and (c) will be secured and made available for further testing in accordance with the following procedures:

(a) A split sample must be secured in the test barn in the same manner as the primary sample acquired for shipment to a primary laboratory. The split samples will be stored until the primary samples are packed and secured for shipment to the primary laboratory. Split samples will then be transferred to a freezer at a secure location approved by the executive secretary.

(b) A freezer used to store split samples will be closed and locked at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples may only be opened to deposit or remove split samples, for inventory, or for checking the condition of samples.

(d) An official veterinarian will maintain a split sample log that must be used each time a split sample freezer is opened. The log will record the following:

(i) The name of the person opening the split sample freezer;

(ii) The purpose for opening the freezer;

(iii) The split samples deposited or removed from the freezer;

(iv) The date and time the freezer was opened;

(v) The time the freezer was closed; and

(vi) A notation verifying that the lock was secured after the freezer was closed.

(e) If at any time it is discovered that the split sample freezer failed or samples were discovered not in a frozen condition, an official veterinarian must document this discovery on the split sample freezer log and immediately report this to the executive secretary.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory

be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than forty-eight hours after the trainer of the horse receives written notice of the findings of the primary laboratory. The split sample must be shipped within seventy-two hours of the delivery of the request for testing to the stewards.

(3) The owner or trainer requesting testing of a split sample is responsible for the cost of shipping and testing. A split sample must be removed from the split sample freezer, and packaged for shipment by an official veterinarian or designee in the presence of the owner, trainer, or designee. Failure of the owner, trainer or designee to appear at the time and place designated by an official veterinarian to package the split sample for shipping will constitute a waiver of all rights to split sample testing. Prior to shipment, the split sample laboratory's willingness to provide the testing requested and to send results to both the person requesting the testing and the commission, must be confirmed by an official veterinarian. Arrangements for payment satisfactory to the split sample laboratory must also be confirmed by the owner or trainer. A laboratory for the testing of a split sample must be approved by the commission. The commission will maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission must provide a split sample chain of custody verification form. The split sample chain of custody verification form must be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative will keep the original and provide a copy to the owner, trainer or designee.

The split sample chain of custody verification form must include the following:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number;

(c) The address where the split sample is to be sent;

(d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

(j) The split sample chain of custody verification form must be signed by both the owner's representative and an official veterinarian or designee to confirm the packaging of the split sample.

(5) The exterior of the package must be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package. The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(6) The package containing the split sample will be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-610, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-610, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-610, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

WAC 260-70-620 Medication restrictions. (1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

- (a) Drugs or medications for which no acceptable threshold concentration has been established;
- (b) Therapeutic medications in excess of established threshold concentrations;
- (c) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
- (d) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(2) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse by any means, a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter during the twenty-four hour period before post time for the race in which the horse is entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-620, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-620, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-620, filed 4/17/96, effective 5/18/96.]

WAC 260-70-630 Threshold levels. (1) Permitted medications.

(a) The following quantitative medications are permissible in test samples up to the stated concentrations:

- Procaine - 25 ng/ml urine
- Benzocaine - 50 ng/ml urine
- Mepivacaine - 10 ng/ml urine
- Lidocaine - 50 ng/ml urine
- Bupivacaine - 5 ng/ml urine
- Clenbuterol - 25 pg/ml serum or plasma
- Acepromazine - 25 ng/ml urine
- Promazine - 25 ng/ml urine
- Salicylates - 750,000 ng/ml urine
- Albuterol - 1 ng/ml urine
- Pyrimilamine - 50 ng/ml urine
- Theobromine - 2000 ng/ml urine

(b) The official urine or blood test sample may not contain more than one of the above substances, including their metabolites or analogs, and may not exceed the concentrations established in this rule.

(2) Environmental substances.

(a) Certain substances can be considered "environmental" in that they are endogenous to the horse or that they can

arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination or exposure during the cultivation, processing, treatment, storage, or transportation phases. Certain drugs are recognized as substances of human use and could therefore be found in a horse. The following substances are permissible in test samples up to the stated concentrations:

- Caffeine - 100 ng/ml serum or plasma
- Benzoyllecgonine - 50 ng/ml urine
- Morphine Glucuronides - 50 ng/ml urine

(b) If a preponderance of evidence presented shows that a positive test is the result of environmental substance or inadvertent exposure due to human drug use, that evidence should be considered as a mitigating factor in any disciplinary action taken against the trainer.

(3) Androgenic-anabolic steroids.

(a) The following androgenic-anabolic steroids are permissible in test samples up to the stated concentrations:

- Stanozolol (Winstrol) - 1 ng/ml urine in all horses regardless of sex.
- Boldenone (Equipoise) - 15 ng/ml urine in intact males. No level is permitted in geldings, fillies or mares.
- Nandrolone (Durabolin) - 1 ng/ml urine in geldings, fillies, and mares, and for nandrolone metabolite (5 α -oestrane-3 β ,17 α -diol) - 45 ng/ml urine in intact males.

Testosterone - 20 ng/ml urine in geldings. 55 ng/ml urine in fillies and mares. Samples from intact males will not be tested for the presence of testosterone.

(b) All other androgenic-anabolic steroids are prohibited in race horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-17-051, § 260-70-630, filed 8/14/08, effective 9/14/08; 08-05-091, § 260-70-630, filed 2/15/08, effective 6/1/08; 06-09-009, § 260-70-630, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-630, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 04-05-095, § 260-70-630, filed 2/18/04, effective 3/20/04; 03-11-019, § 260-70-630, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-630, filed 4/17/96, effective 5/18/96.]

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least twenty-four hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 5 micrograms per milliliter;
- (ii) Flunixin - 50 nanograms per milliliter;
- (iii) Ketoprofen - 10 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule, may be administered within the twenty-four hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma

sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least forty-eight hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-09-044, § 260-70-640, filed 4/10/08, effective 5/11/08; 07-07-036, § 260-70-640, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-640, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]

WAC 260-70-645 Anti-ulcer medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four hours prior to the race in which the horse is entered.

- (1) Cimetidine (Tagamet®) - 8-20 mg/kg PO BID - TID
- (2) Omeprazole (Gastrogard®) - 2.2 grams PO SID
- (3) Ranitidine (Zantac®) - 8 mg/kg PO BID

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-009, § 260-70-645, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-645, filed 3/11/05, effective 4/11/05.]

WAC 260-70-650 Furosemide. (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of an official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide will be permitted only after an official veterinarian has placed the horse on the furosemide or bleeder list.

(2) The use of furosemide is permitted under the following circumstances:

(a) Furosemide must be administered on the grounds of the association, by a single intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered must not exceed 500 mg nor be less than 150 mg.

(c) The trainer of the treated horse must deliver to an official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The name of the horse, the horse's tattoo number, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

(e) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(i) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity must

not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma will be performed;

(ii) Quantitation of furosemide in serum or plasma must be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-650, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-650, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-650, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

WAC 260-70-660 Furosemide and bleeder lists. The official veterinarians will maintain a furosemide list and a bleeder list of all horses eligible to race with furosemide. The list is a statewide list that applies to all licensed associations.

(1) Furosemide list.

(a) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to an official veterinarian prior to the close of entries to ensure public notification.

(b) If an official veterinarian so orders, a horse placed on the furosemide list will be placed in detention in its regularly assigned stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. Once placed in detention, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled for the race, except that the stewards may permit a horse to leave detention to engage in exercise blowouts or warm-up heats.

(c) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification will be issued to the owner of the horse or the owner's designee upon request.

(d) Every horse eligible to race with furosemide, regardless of age, will be placed on the furosemide list.

(e) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on commissioned-approved forms and must be submitted to an official veterinarian no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty calendar days unless determined to be detrimental to the welfare of the horse, in consultation with an official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five day period, the horse may not be placed back on the list for a period of ninety calendar days.

(2) Bleeder list.

(a) An official veterinarian will maintain a bleeder list of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both

nostrils during or after a race or workout as observed by an official veterinarian.

(b) Following an incident of bleeding that is confirmed to be as a result of exercise induced pulmonary hemorrhage, the horse, regardless of age, must be placed on the bleeder list and is ineligible to race for the following time periods:

- (i) First incident - fourteen days;
- (ii) Second incident within three hundred and sixty-five day period - thirty days;
- (iii) Third incident within three hundred and sixty-five day period - one hundred and eighty days;
- (iv) Fourth incident within three hundred and sixty-five day period - barred from racing for life.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the ineligibility period.

(d) The voluntary administration of furosemide without an external bleeding incident will not subject the horse to the initial period of ineligibility as defined by this policy.

(e) Every horse that is confirmed a bleeder will have a notation affixed to the horse's certificate of registration.

(f) A horse may be removed from the bleeder list only upon the direction of an official veterinarian.

(3) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-660, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-660, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-660, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

WAC 260-70-675 Bicarbonate testing. No bicarbonate-containing substance or alkalinizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse may be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

An official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of test samples from any horses either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples must not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value is a violation of this rule. Penalties will be assessed as a Class 4 violation as provided in WAC 260-84-110(6).

Split samples will be taken from all horses entered to run in a race when bicarbonate testing is to be done. When split samples are taken, they will be shipped as soon as practical to the commission-approved laboratories for total carbon dioxide split sample testing. The commission is responsible for the cost of shipping and testing of split samples taken under this section.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-675, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-675, filed 4/10/06, effective 5/11/06; 05-17-123, § 260-70-675, filed 8/18/05, effective 9/18/05.]

WAC 260-70-680 Uniform classification guidelines.

This section classifies each drug/medication/foreign substance, and where appropriate and/or available, its trade name. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

| Drug | Trade Name |
|---------------------------------|------------------|
| Alfentanil | Alfenta |
| Amphetamine | |
| Anileridine | Leritine |
| Apomorphine | |
| Benzylpiperazine (BZP) | |
| Carfentanil | |
| Cathinone | |
| Cocaine | |
| Codeine | |
| DEA Schedule 1 (all) | |
| Dextromoramide | Palfium, Narcolo |
| Diamorphine | |
| Donepezil | Aricept |
| Endorphins | |
| Enkephalins | |
| Ethylmorphine | Dionin |
| Etorphine HCl | M99 |
| Fentanyl | Sublimaze |
| Heroin | |
| Hydrocodone (dihydrocodeinone) | Hycodan |
| Hydromorphone | Dilaudid |
| Hydroxyamphetamine | Paradrine |
| Levorphanol | Levo-Dremoran |
| Lofentanil | |
| Mazindol | Sanorex |
| Meperidine | Demerol |
| Mephentermine | Wyamine |
| Metaraminol | Aramine |
| Methadone | Dolophine |
| Methamphetamine | Desoxyn |
| Methaqualone | Quaalude |
| Methcathinone | |
| Methylphenidate | Ritalin |
| Metopon (methyldihydromorphine) | |
| Morphine | |
| Nikethamide | Coramine |
| Oxycodone | Percodan |
| Oxymorphone | Numorphan |
| Pemoline | Cylert |
| Pentylenetetrazol | Metrazol, Nioric |
| Phenazocine | Narphen |

| Drug | Trade Name |
|---------------------|---------------|
| Phencyclidine (PCP) | Sernylan |
| Phendimetrazine | Bontril, etc. |
| Phenmetrazine | Preludin |
| Picrotoxin | |
| Piritramide | |
| Remifentanyl | Ultiva |
| Strychnine | |
| Sufentanil | Sufenta |

(2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

| Drug | Trade Name |
|-----------------|---|
| Acecarbromal | |
| Acetophenazine | Tindal |
| Adinazolam | |
| Alclofenac | |
| Alcuronium | Alloferin |
| Alphaprodine | Nisentil |
| Alpidem | Anaxyl |
| Alprazolam | Xanax |
| Althesin | Saffan |
| Amisulpride | Solian |
| Amitriptyline | Elavil, Amitril, Endep |
| Amobarbital | Amytal |
| Amoxapine | Asendin |
| Amperozide | |
| Anilopam | Anisine |
| Aprobarbital | Alurate |
| Articaine | Septocaine; Ultra-caine, etc. |
| Atomoxetine | Strattera |
| Atracurium | Tracrium |
| Azacylonol | Frenque |
| Azaperone | Stresnil, Suicalm, Fentaz (with Fentanyl) |
| Barbital | Veronal |
| Barbiturates | |
| Bemegrade | Megimide, Mikedimide |
| Benoxaprofen | |
| Benperidol | Anquil |
| Bentazepam | Tiadipona |
| Benzactizine | Deprol, Bronchodil-etten |
| Benzoctamine | |
| Benzodiazepines | |
| Benzphetamine | Didrex |
| Benztropine | Cogentin |
| Biriperone | |
| Bromazepam | Lexotan, Lectopam |
| Bromisovalum | Diffucord, etc. |
| Bromocriptine | Parlodel |
| Bromperidol | Bromidol |
| Brotizolam | Brotocol |

| Drug | Trade Name |
|---------------------------------|-------------------------------|
| Bupivacaine | Marcaine |
| Buprenorphine | Temgesic |
| Buspirone | Buspar |
| Buspropion | Wellbutrin |
| Butabarbital (Secbutobarbitone) | Butacaps, Butasol, etc. |
| Butalbital (Talbutal) | Fiorinal |
| Butanilicaine | Hostacain |
| Butaperazine | Repoise |
| Butoctamide | Listomin |
| Caffeine | |
| Camazepam | Paxor |
| Captodiame | Covatine |
| Carbidopa + levodopa | Sinemet |
| Carbromol | Mifudorm |
| Carisoprodol | Soma, Rela |
| Carphenazine | Proketazine |
| Carpipramine | Prazinil |
| Carticaine (see Articaine) | Septocaine; Ultra-caine, etc. |
| Chloralose (Alpha-Chloralose) | |
| Chloral betaine | Beta-Chlor |
| Chloral hydrate | Nactec, Oridrate, etc. |
| Chloraldehyde (chloral) | |
| Chlordiazepoxide | Librium |
| Chlormezanone | Trancopal |
| Chloroform | |
| Chlorhexidol | |
| Chloroprocaine | Nesacaine |
| Chlorprothazine | Newiplege |
| Chlorpromazine | Thorazine, Largactil |
| Chlorprothixene | Taractan |
| Citalopram | Celex |
| Clobazam | Urbanyl |
| Clocapramine | |
| Clomethiazole | |
| Clomipramine | Anafranil |
| Clonazepam | Klonopin |
| Clorazepate | Tranxene |
| Clothiapine | Entermin |
| Clotiazepam | Trecalmo, Rize |
| Cloxacolam | Enadel, Sepazon, Tolestan |
| Clozapine | Clozaril, Leponex |
| Conorphone | |
| Corticaine | Ultracain |
| Crotetamide | |
| Cyamemazine | Tercian |
| Cyclobarbital | Phanodorm |
| Darbepoetin | Aranesp |
| Decamethonium | Syncurine |
| Demoxepam | |
| Desipramine | Norpromine, Pertof-rane |
| Dezocine | Dalgan® |
| Diazepam | Valium |
| Dichloralphenazone | Febenol, Isocom |
| Diethylpropion | Tepanil, etc. |
| Diethylthiambutene | Themalon |
| Dihydrocodeine | Parcodin |
| Dilorazepam | Briantum |

| Drug | Trade Name |
|----------------------|--|
| Diprenorphine | M50/50 |
| Dixyrazine | Esucos |
| Dopamine | Intropin |
| Doxacurium | Nuromax |
| Doxapram | Dopram |
| Doxefazepam | Doxans |
| Doxepin | Adapin, Sinequan |
| Droperidol | Inapsine, Droleptan, Innovar-Vet (with Fentanyl) |
| Enciprazine | |
| Ephedrine | |
| Epibatidine | |
| Epinephrine | |
| Erythropoietin (EPO) | Epogen, Procrit, etc. |
| Estazolam | Domnamid, Eurodin, Nuctalon |
| Ethamivan | |
| Ethanol | |
| Ethchlorvynol | Placidyl |
| Ethinamate | Valmid |
| Ethopropazine | Parsidol |
| Ethylisobutrazine | Diquel |
| Etidocaine | Duranest |
| Etifoxin | Stresam |
| Etizolam | Depas, Pasaden |
| Etodroxizine | Indunox |
| Etomidate | |
| Fenarbamate | Tymium |
| Fenclozic Acid | Cincopal |
| Fenfluramine | Pondimin |
| Fluanisone | Sedalande |
| Fludiazepam | Erispam |
| Flunitrazepam | Rohypnol, Narcozep, Darkene, Hypnodorm |
| Fluopromazine | Psyquil, Siquil |
| Fluoresone | Caducid |
| Fluoxetine | Prozac |
| Flupenthixol | Depixol, Fluaxol |
| Fluphenazine | Prolixin, Permitil, Anatensol |
| Flurazepam | Dalmane |
| Fluspirilene | Imap, Redeptin |
| Flutoprazepam | Restas |
| Fluvoxamine | Dumirox, Faverin, etc. |
| Galantamine | Reminyl |
| Gallamine | Flaxedil |
| Gepirone | |
| Glutethimide | Doriden |
| Halazepam | Paxipam |
| Haloperidol | Haldol |
| Haloxazolam | Somelin |
| Hemoglobin glutamers | Oxyglobin, Hemopure |
| Hexafluorenium | Myalexen |
| Hexobarbital | Evipal |
| Homophenazine | Pelvichthol |
| Hydroxyzine | Atarax |
| Ibomal | Noctal |
| Imipramine | Imavate, Presamine, Tofranil |

| Drug | Trade Name |
|-------------------------------------|-----------------------------------|
| Isapirone | |
| Isocarboxazid | Marplan |
| Isomethadone | |
| Isoproterenol | Isoprel |
| Isoxicam | Maxicam |
| Ketamine | Ketalar, Ketaset, Vetal-lar |
| Ketazolam | Anxon, Laftram, Solatran, Loftran |
| Lenperone | Elanone-V |
| Levomethorphan | |
| Lidocaine | Xylocaine |
| Lithium | Lithizine, Duralith, etc. |
| Lobeline | |
| Loflazepate, Ethyl | Victan |
| Loperamide | Imodium |
| Loprazolam | Dormonort, Havlane |
| Lorazepam | Ativan |
| Lormetazepam | Noctamid |
| Loxapine | Laxitane |
| Maprotiline | Ludiomil |
| Mebutamate | Axiten, Dormate, Capla |
| Meclofenoxate | Lucidril, etc. |
| Medazepam | Nobrium, etc. |
| Melperone | Eunerpan |
| Memantine | Namenda |
| Meparfynol | Oblivon |
| Mepazine | Pacatal |
| Mephenoalone | Control, etc. |
| Mephenytoin | Mesantoin |
| Mephobarbital (Methylphenobarbital) | Mebaral |
| Mepivacaine | Carbocaine |
| Meprobamate | Equanil, Miltown |
| Mesoridazine | Serentil |
| Metaclazepam | Talis |
| Metazocine | |
| Metharbital | Gemonil |
| Methohexital | Brevital |
| Methotrimeprazine | Levoprome, Neurocil, etc. |
| Methypylon | Noludar |
| Metocurine | Metubine |
| Metomidate | Hypnodil |
| Mexazolam | Melex |
| Midazolam | Versed |
| Mirtazepine | Remeron |
| Mivacurium | Mivacron |
| Modafinil | Provigil |
| Molindone | Moban |
| Moperone | Luvatren |
| Mosaprimine | |
| Nalbuphine | Nubain |
| Nalorphine | Nalline, Lethidrone |
| Nefazodone | Serzone |
| Nimetazepam | Erimin |
| Nitrazepam | Mogadon |
| Nordiazepam | Calmday, Nordaz, etc. |

| Drug | Trade Name |
|-------------------------------|-------------------------|
| Norepinephrine | |
| Nortriptyline | Aventyl, Pamelor |
| Olanzapine | Zyprexa |
| Oxazepam | Serax |
| Oxazolam | Serenal |
| Oxyperitine | Forit, Integrin |
| Pancuronium | Pavulon |
| Paraldehyde | Paral |
| Paroxetine | Paxil, Seroxat |
| Penfluridol | Cyperon |
| Pentobarbital | Nembutal |
| Perazine | Taxilan |
| Perfluorodecolin | |
| Perfluorodecahydronophthalene | |
| Perfluorooctylbromide | |
| Perfluorotripropylamine | |
| Perfluorocarbons | |
| Periciazine | Alodept, etc. |
| Perlazine | Hypnodin |
| Perphenazine | Trilafon |
| Phenaglycodol | Acalo, Alcamid, etc. |
| Phenelzine | Nardelzine, Nardil |
| Phenobarbital | Luminal |
| Phentermine | Iomamin |
| Piminodine | Alvodine, Cimadon |
| Pimozide | Orap |
| Pinazepam | Domar |
| Pipamperone | Dipiperon |
| Pipecuronium | Arduan |
| Pipequaline | |
| Piperacetazine | Psymod, Quide |
| Piperocaine | Metycaine |
| Pipotiazine | Lonseren, Piportil |
| Pipradrol | Dataril, Gerondyl, etc. |
| Piquindone | |
| Prazepam | Verstran, Centrax |
| Prilocaine | Citanest |
| Prochlorperazine | Darbazine, Compazine |
| Propanidid | |
| Propiomazine | Largon |
| Propionylpromazine | Tranvet |
| Propiram | |
| Propofol | Diprivan, Disoprivan |
| Propoxycaïne | Ravocaine |
| Prothipendyl | Dominal |
| Protriptyline | Concordin, Triptil |
| Proxibarbital | Axeen, Centralgol |
| Pyrithyldione | Hybersulfan, Sonodor |
| Quazipam | Doral |
| Quetiapine | Seroquel |
| Racemethorphan | |
| Racemorphan | |
| Raclopride | |
| Ractopamine | Raylean |
| Remoxipride | Roxiam |
| Reserpine | Serpasil |
| Rilmazafone | |
| Risperidone | |
| Ritanserlin | |
| Rivastigmine | Exelon |

| Drug | Trade Name |
|--------------------------------|-------------------------|
| Rocuronium | Zemuron |
| Rofecoxib | Vioxx |
| Romifidine | Sedivet |
| Ropivacaine | Naropin |
| Secobarbital (Quinalbarbitone) | Seconal |
| Selegiline | Eldepryl, Jumex |
| Sertraline | Lustral, Zoloft |
| Snake Venoms | |
| Somatrem | Protropin |
| Somatropin | Nutropin |
| Spiclomazine | |
| Spiperone | |
| Succinylcholine | Sucostrin, Quelin, etc. |
| Sulfondiethylmethane | |
| Sulfonmethane | |
| Sulforidazine | Inofal |
| Sulpiride | Aiglonyl, Sulpitol |
| Sultopride | Barnetil |
| Talbutal | Lotusate |
| Tandospirone | |
| Temazepam | Restoril |
| Tetrabenazine | Nitoman |
| Tetracaine | Pontocaine |
| Tetrazepam | Musaril, Myolastin |
| Thebaine | |
| Thialbarbital | Kemithal |
| Thiamylal | Surital |
| Thiethylperazine | Torecan |
| Thiopental | Pentothal |
| Thiopropazate | Dartal |
| Thiopropazine | Majeptil |
| Thioridazine | Mellaril |
| Thiothixene | Navane |
| Tiapride | Italprid, Luxoben, etc. |
| Tiletamine | Component of Telazol |
| Timiperone | Tolopelon |
| Tofisopam | Grandaxain, Seriel |
| Topirimate | Topamax |
| Tramadol | Ultram |
| Tranlycypromine | Parnate |
| Trazodone | Desyrel |
| Tretoquinol | Inolin |
| Triazolam | Halcion |
| Tribromethanol | |
| Tricaine methanesulfonate | Finquel |
| Trichloroethanol | |
| Trichloroethylene | Trilene, Trimar |
| Triclofos | Triclos |
| Trifluomeprazine | Nortran |
| Trifluoperazine | Stelazine |
| Trifluperidol | Triperidol |
| Triflupromazine | Vetame, Vesprin |
| Trimipramine | Surmontil |
| Tubocurarine (Curare) | Metubina |
| Tybamate | Benvil, Nospan, etc. |
| Urethane | |
| Valdecocixib | |
| Valnoctamide | Nirvanyl |
| Venlafaxine | Effexor |
| Veralipride | Accional, Veralipril |

| Drug | Trade Name |
|----------------|-------------------------|
| Vercuronium | Norcuron |
| Viloxazine | Catatrol, Vivalan, etc. |
| Vinbarbital | Delvinol |
| Vinylbital | Optanox, Speda |
| Yohimbine | |
| Zaleplon | Sonata |
| Ziprasidone | Geodon |
| Zolazepam | |
| Zolpidem | Ambien, Stilnox |
| Zomepirac | Zomax |
| Zopiclone | Imovan |
| Zotepine | Lodopin |
| Zuclopenthixol | Ciatyl, Cesordinol |

(3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

| Drug | Trade Name |
|-------------------------------------|-----------------------------|
| Acebutolol | Sectral |
| Acepromazine | Atrovet, Notensil, PromAce® |
| Albuterol (Salbutamol) | Proventil, Ventolin |
| Almotriptan | Axert |
| Alprenolol | |
| Ambenonium | Mytelase, Myeuran |
| Aminophylline | Aminophyllin, etc. |
| Amitraz | Mitaban |
| Amlodipine | Norvasc |
| Amyl nitrite | |
| Arecoline | |
| Atenolol | Tenormin |
| Atropine | |
| Benazeprilat, Benazepril and MC-Tab | Lotensin |
| Betaxolol | Kerlone |
| Bethanidine | Esbatal |
| Biperiden | Akineton |
| Bisoprolol | Zebeta, Bisobloc, etc. |
| Bitolterol | Effectin |
| Bolasterone | |
| Boldione | |
| Bretylium | Bretylol |
| Brimonidine | Alphagan |
| Bromfenac | Duract |
| Bromodiphenhydramine | |
| Bufexamac | |
| Bumetanide | Bumex |
| Butorphanol | Stadol, Torbugesic |
| Calusterone | |
| Candesartan | Atacand |
| Captopril | Capolen |
| Carazolol | Carbacel, Conduc-ton |
| Carbachol | Lentin, Doryl |
| Carbamezapine | Tegretol |
| Carbinoxamine | Clistin |

| Drug | Trade Name |
|------------------------------------|-------------------------|
| Carteolol | Cartrol |
| Carvedilol | Coreg |
| Celecoxib | Celebrex |
| Cimeterol | |
| Clemastine | Tavist |
| Clenbuterol | Ventipulmin |
| Clonidine | Catapres |
| Clostebol | |
| Cyclandelate | Cyclospasmol |
| Cycrimine | Pagitane |
| Danazol | Danocrine |
| Dehydrochloromethyltestosterone | |
| Deracoxib | Deremaxx |
| Desoxymethyltestosterone | |
| Detomidine | Dormosedan |
| Dextropropoxyphene | Darvon |
| Diazoxide | Proglycem |
| Diffunisal | |
| Dimeflin | |
| Diphenhydramine | Benadryl |
| Dipyridamole | Persantine |
| Divalproex | Depakote |
| Dobutamine | Dobutrex |
| Doxazosin | |
| Doxylamine | Decapryn |
| Dyphylline | |
| Edrophonium | Tensilon |
| Eletripan | Relpax |
| Enalapril (metabolite enalaprilat) | Vasotec |
| Ergoloid mesylates | |
| Erthrityl tetranitrate | Cardilate |
| Esmolol | Brevibloc |
| Etamiphylline | |
| Ethacrynic Acid | Edecrin |
| Ethosuximide | Zarontin |
| Ethylestrenol | Maxibolin, Organon |
| Ethylnorepinephrine | Bronkephrine |
| Etodolac | Lodine |
| Felbamate | Felbatol |
| Fenbufen | Cincopal |
| Fenoldopam | Corlopam |
| Fenopropfen | Nalfon |
| Fenoterol | Berotec |
| Fenspiride | Respiride, Respan, etc. |
| Fentiazac | |
| Flurbiprofen | Froben |
| Flufenamic Acid | |
| Fluoxymesterone | Halotestin |
| Flupirtine | Katadolone |
| Formebolone | |
| Formoterol | Altram |
| Fosinopril, Fosinoprilat | Monopril |
| Fosphenytoin | Cerebyx |
| Furazabol | |
| Gabapentin | Neurontin |
| Gestrinone | |
| Glycopyrrolate | Robinul |
| Guanadrel | Hylorol |
| Guanethidine | Ismelin |

| Drug | Trade Name |
|------------------------------------|------------------------------|
| Guanabenz | Wytensin |
| Heptaminol | Corofundol |
| Homatropine | Homapin |
| Hydralazine | Apresoline |
| 4-Hydroxytestosterone | |
| Ibutilide | Corvert |
| Iloprost | Ventavis |
| Indomethacin | Indocin |
| Ipratropium | |
| Irbesarten | Avapro |
| Isoetharine | Bronkosol |
| Isosorbide dinitrate | Isordil |
| Kebuzone | |
| Ketorolac | Toradol |
| Labetalol | Normodyne |
| Lamotrigine | Lamictal |
| Levobunolol | Betagan |
| Lisinopril | Prinivil, Zestril |
| Losartan | Hyzaar |
| Mabuterol | |
| Mecamylamine | Inversine |
| Medetomidine | Domitor |
| Mefenamic Acid | Ponstel |
| Mestanolone | |
| Mesterolone | |
| Metaproterenol | Alupent, Metaprel |
| Metenolone | |
| Methachloline | |
| Methandienone | |
| Methandriol | Probolac |
| Methasterone | |
| Methixene | Trest |
| Methoxamine | Vasoxyl |
| Methoxyphenamine | Orthoxide |
| Methsuximide | Celontin |
| Methylatropine | |
| Methyldienolone | |
| Methyldopa | Aldomet |
| Methylnortestosterone | |
| Methyltestosterone | Metandren |
| Methyl-1-testosterone | |
| Metolazone | |
| Metoprolol | Lopressor |
| Mibefradil | Posicor |
| Mibolerone | |
| Midodrine | Pro-Amiline |
| Minoxidil | Loniten |
| Moexipril (metabolite moexiprilat) | Uniretic |
| Muscarine | |
| Namumetone | Anthraxan, Relafen, Reflifex |
| Nadol | Corgard |
| Naloxone | Narcan |
| Naltrexone | Revia |
| Naratriptan | Amerge |
| Nefopam | |
| Neostigmine | Prostigmine |
| Niflumic Acid | Nifluril |
| Nimesulide | |
| Nitroglycerin | |

| Drug | Trade Name |
|-----------------------------------|--------------------------|
| 19-Norandrostenediol | |
| 19-Norandrostenedione | |
| Norbolethone | |
| Norclostebol | |
| Norethandrolone | |
| Nylidrine | Arlidin |
| Olmesartan | Benicar |
| Oxabolone | |
| Oxandrolone | Anavar |
| Oxcarbazepine | Trileptal |
| Oxprenolol | Trasicor |
| Oxymesterone | |
| Oxymetholone | Adroyd, Anadrol |
| Papaverine | Pavagen, etc. |
| Paramethadione | Paradione |
| Pargyline | Eutonyl |
| Penbutolol | Levatol |
| Pentaerythritol tetranitrate | Duotrate |
| Pentazocine | Talwin |
| Perindopril | Biprel |
| Phenoxybenzamine | Dibenzylamine |
| Phentolamine | Regitine |
| Phenylephrine | Isophrin, Neo-Syn-ephine |
| Phenylpropanolamine | Propadrine |
| Physostigmine | Eserine |
| Pindolol | Viskin |
| Pirbuterol | Maxair |
| Piretanide | Arelix, Tauliz |
| Piroxicam | Feldene |
| Prazosin | Minipress |
| Primidone | Mysoline |
| Procaine | |
| Procatenol | Pro Air |
| Procyclidine | Kemadrin |
| Promazine | Sparine |
| Promethazine | Phenergan |
| Propentophylline | Karsivan |
| Propranolol | Inderal |
| Prostanazol | |
| Protokylol | Ventaire |
| Pseudoephedrine | Cenafed, Novafed |
| Pyridostigmine | Mestinon, Regonol |
| Pyrilamine | Neoantergan, Equihist |
| Quinapril, Quinaprilat | Accupril |
| Quinbolone | |
| Ramipril, metabolite Ramiprilat | Altace |
| Ritodrine | Yutopar |
| Rizatriptan | Maxalt |
| Salmeterol | |
| Scopolamine (Hyoscine) | Triptone |
| Sibutramine | Meridia |
| Sildenafil | Viagra |
| Sotalol | Betapace, Sotacor |
| Spirapril, metabolite Spiraprilat | Renomax |
| Stenbolone | |
| Sulindac | Clinoril |
| Sumatriptan | Imitrex |
| Tadalafil | Cialis |

| Drug | Trade Name |
|---|---------------------|
| Telmisartan | Micardis |
| Tenoxicam | Alganex, etc. |
| Tepoxalin | |
| Terazosin | Hytrin |
| Terbutaline | Brethine, Bricanyl |
| Testolactone | Teslac |
| Tetrahydrogestrinone | |
| Theophylline | Aqualphyllin, etc. |
| Tiaprofenic Acid | Surgam |
| Timolol | Blocardrin |
| Tolazoline | Priscoline |
| Tolmetin | Tolectin |
| Torsemide (Torasemide) | Demadex |
| Trandolapril (and metabolite, Trandolaprilat) | Tarka |
| Trenbolone | Finoplix |
| Trihexylphenidyl | Artane |
| Trimethadione | Tridione |
| Trimethaphan | Arfonad |
| Tripelennamine | PBZ |
| Valerenic Acid | |
| Valsartan | Diovan |
| Vardenafil | Levitra |
| Xylazine | Rompun, Bay Va 1470 |
| Zolmitriptan | Zomig |
| Zonisamide | Zonegran |
| Δ -1-androstene-3, 17-diol | |
| Δ -1-androstene-3, 17-dione | |
| Δ -1-dihydrotestosterone | |

(4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

| Drug | Trade Name |
|--------------------------------|----------------------------|
| Acetaminophen (Paracetamol) | Tylenol, Tempra, etc. |
| Acetanilid | |
| Acetazolamide | Diamox, Vetamox |
| Acetophenetidin (Phenacetin) | |
| Acetylsalicylic acid (Aspirin) | |
| Aclomethasone | Aclovote |
| Aldosterone | Aldocortin, Electro cortin |
| Ambroxol | Ambril, etc. |
| Amcinonide | Cyclocort |
| Amiloride | Moduretic; Midamor |
| Aminocaproic Acid | Amicar, Caprocid |
| Aminodarone | |
| 2-Aminoheptaine | Tuamine |
| Aminopyrine | |
| Amisometradine | Rolictron |
| Amlopidine | Norvasc, Ammivin |
| Amrinone | |
| Anisotropine | Valpin |
| Antipyrine | |
| Apazone (Azapropazone) | Rheumox |
| Aprindine | |
| Baclofen | Liorsesal |
| Beclomethasone | Propaderm |

| Drug | Trade Name |
|--------------------------------|---|
| Benazepril | Lotrel |
| Bendroflumethiazide | Naturetin |
| Benoxinate | Dorsacaine |
| Benzocaine | |
| Benzthiazide | |
| Bepridil | Bepadin |
| Betamethasone | Betasone, etc. |
| Bethanechol | Urecholine, Duvoid |
| Boldenone | Equipoise |
| Bromhexine | Oletor, etc. |
| Brompheniramine | Dimetane, Disomer |
| Budesonide | Pulmacort, Rhinocort |
| Butacaine | Butyn |
| Butamben (butyl aminobenzoate) | Butesin |
| Butoxycaine | Stadacain |
| Camphor | |
| Carprofen | Rimadyl |
| Cetirizine | Zyrtec |
| Chlormerodrin | Neohydrin |
| Chlorophenesin | Maolate |
| Chloroquine | Avloclor |
| Chlorothiazide | Diuril |
| Chlorpheniramine | Chlortriemton, etc. |
| Chlorthalidone | Hydroton |
| Chlorzoxazone | Paraflex |
| Cinchocaine | Nupercaine |
| Clanobutin | |
| Clibucaine | Batrax |
| Clidinium | Quarezan, Clindex, etc. |
| Clobetasol | Temovate |
| Clocortolone | Cloderm |
| Clofenamide | |
| Clormecaine | Placacid |
| Colchicine | |
| Cortisone | Cortone, etc. |
| Cyclizine | Merazine |
| Cyclobenzaprine | Flexeril |
| Cyclomethylcaine | Surfacaine |
| Cyclothiazide | Anhydron, Renazide |
| Cyproheptadine | Periactin |
| Dantrolene | Dantrium |
| Dembroxol (Dembrexine) | Sputolysin |
| Deoxycorticosterone | Percortin, DOCA, Desco-tone, Dorcostrin |
| Desonite | Des Owen |
| Desoximetasone | Topicort |
| Dexamethasone | Azium, etc. |
| Dextromethorphan | |
| Dibucaine | Nupercainal, Cinchocaine |
| Dichlorphenamide | Daramide |
| Diclofenac | Voltaren, Voltarol |
| Diflorasone | Florone, Maxiflor |
| Diflucortolone | Flu-Cortinest, etc. |
| Digitoxin | Crystodigin |
| Digoxin | Lanoxin |
| Dihydroergotamine | |
| Diltiazem | Cardizem |
| Dimethisoquin | Quotane |
| Diphenoxylate | Difenoxin, Lomotil |

| Drug | Trade Name |
|------------------------------------|--------------------------------------|
| Dipyrene | Novin, Methampyrone |
| Disopyramide | Norpace |
| Dromostanolone | Drolban |
| Dyclonine | Dyclone |
| Eltenac | |
| Ergonovine | Ergotrate |
| Ergotamine | Gynergen, Cafergot, etc. |
| Etanercept | Enbrel |
| Ethoheptazine | Zactane |
| Ethotoin | Peganone |
| Ethoxzolamide | Cardrase, Ethamide |
| Ethylaminobenzoate (Benzocaine) | Semets, etc. |
| Felodipine | Plendil |
| Fexofenadine | Allegra |
| Firocoxib | |
| Flecainide | Idalon |
| Floctafenine | Idalon, Idarac |
| Flucinolone | Synalar, etc. |
| Fludrocortisone | Alforone, etc. |
| Flumethasone | Flucort, etc. |
| Flumethiazide | Ademol |
| Flunarizine | Sibelium |
| Flunisolide | Bronilide, etc. |
| Flunixin | Banamine |
| Fluocinolone | Synalar |
| Fluocinonide | Licon, Lidex |
| Fluorometholone | FML |
| Fluoroprednisolone | Predef-2X |
| Fluprednisolone | Alphadrol |
| Flurandrenolide | Cordran |
| Fluticasone | Flixonase, Flutide |
| Guaifenesin (glycerol guaiacolate) | Gecolate |
| Halcinonide | Halog |
| Halobetasol | Ultravate |
| Hexocyclium | Tral |
| Hexylcaine | Cyclaine |
| Hydrochlorthiazide | Hydrodiuril |
| Hydrocortisone (Cortisol) | Cortef, etc. |
| Hydroflumethiazide | Saluron |
| Ibuprofen | Motrin, Advil, Nurpin [Nuprin], etc. |
| Infliximab | Remicade |
| Isoflupredone | Predef |
| Isometheptene | Octin, Octon |
| Isopropamide | Darbid |
| Isoxsuprine | Vasodilan |
| Isradipine | DynaCirc |
| Ketoprofen | Orudis |
| Letosteine | Viscotiol, Visiotal |
| Loratidine | Claritin |
| Meclizine | Antivert, Bonine |
| Meclofenamic Acid | Arquel |
| Medrysone | Medriusar, etc. |
| Meloxicam | Mobic |
| Mepenzolate | Cantil |
| Mephesisin | Tolserol |
| Meralluride | Mercuhydrin |
| Merbaphen | Novasural |

| Drug | Trade Name |
|---------------------|----------------------------------|
| Mercaptomerin | Thiomerin |
| Mercumalilin | Cumertilin |
| Mersalyl | Salyrgran |
| Metaxalone | Skelaxin |
| Methandrostenolone | Dianabol |
| Methantheline | Banthine |
| Methapyrilene | Histadyl, etc. |
| Methazolamide | Naptazane |
| Methdilazine | Tacaryl |
| Methocarbamol | Robaxin |
| Methotrexate | Folex, Nexate, etc. |
| Methscopolamine | Pamine |
| Methylchlorthiazide | Enduron |
| Methandrostenolone | Dianabol |
| Methylergonovine | Methergine |
| Methylprednisolone | Medrol |
| Methysergide | Sansert |
| Metiamide | |
| Metoclopramide | Reglan |
| Mexilitine | Mexilil |
| Milrinone | |
| Mometasone | Elocon |
| Montelukast | Singulair |
| Naepaine | Amylsine |
| Nandrolone | Nandrolin, Laurabolin, Durabolin |
| Naphazoline | Privine |
| Naproxen | Equiproxen, Naprosyn |
| Nicardipine | Cardine |
| Nifedipine | Procardia |
| Nimodipine | Nemotop |
| Norethandrone | |
| Nortestosterone | Nemotop |
| Olsalazine | Dipentum |
| Orphenadrine | Norlfex |
| Oxaprozin | Daypro, Deflam |
| Oxymetazoline | Afrin |
| Oxyphenbutazone | Tandearil |
| Oxyphenacylimine | Daricon |
| Oxyphenonium | Antrenyl |
| Paramethasone | Haldrone |
| Pentoxyfylline | Trental, Vazofirin |
| Phenacemide | Phenurone |
| Phensuximide | Milontin |
| Phenylbutazone | |
| Phenytoin | Dilantin |
| Polythiazide | Renese |
| Pramoxine | Tronothaine |
| Prednisolone | Delta-Cortef, etc. |
| Prednisone | Meticorten, etc. |
| Probenecid | |
| Procainamide | Pronestyl |
| Propafenone | Rythmol |
| Propantheline | Pro-Banthine |
| Proparacaine | Ophthaine |
| Propylhexedrine | Benzedrex |
| Quinidine | Quinidex, Quinocardine |
| Salicylamide | |
| Salicylate | |
| Spironolactone | Aldactone |

| Drug | Trade Name |
|--------------------|---------------------|
| Stanozolol | Winstrol-V |
| Sulfasalazine | Azulfidine, Azaline |
| Terfenadine | Seldane, Triludan |
| Testosterone | |
| Tetrahydrozoline | Tyzine |
| Theobromine | |
| Thiosalicylate | |
| Thiphenamil | Trocinate |
| Tocainide | Tonocard |
| Tranexamic Acid | |
| Triamcinolone | Vetalog, etc. |
| Triamterene | Dyrenium |
| Trichlormethiazide | Naqua, Naquasone |
| Tridihexethyl | Pathilon |
| Trimeprazine | Temaril |
| Tripolidine | Actidil |
| Tuaminoheptane | Tuamine |
| Vedaprofen | |
| Verapamil | Calan, Isoptin |
| Xylometazoline | Otrivin |
| Zafirlukast | Accolate |
| Zeranol | Ralgro |
| Zileuton | Zyflo |

(5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications.

| Drug | Trade Name |
|--------------------------|--------------------|
| Anisindione | |
| Cilostazol | Pletal |
| Cimetidine | Tagamet |
| Cromolyn | Intel |
| Dicumarol | Dicumarol |
| Dimethylsulfoxide (DMSO) | Domoso |
| Dimethylsulphone (MSM) | |
| Diphenadione | |
| Esomeprazole | Nexium |
| Famotidine | Gaster, etc. |
| Lansoprazole | |
| Mesalamine | Asacol |
| Misoprostel | Cytotec |
| Nedocromil | Tilade |
| Nizatidine | Axid |
| Omeprazole | Prilosec, Losec |
| Pantoprazole | Protonix |
| Phenindione | Hedulin |
| Phenprocoumon | Liquamar |
| Pirenzapine | Gastrozepin |
| Polyethylene glycol | |
| Rabeprazole | Aciphex |
| Ranitidine | Zantac |
| Warfarin | Coumadin, Coufarin |

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations.

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These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-03-046, § 260-70-680, filed 1/10/08, effective 2/10/08; 07-07-012, § 260-70-680, filed 3/8/07, effective 4/8/07; 06-09-009, § 260-70-680, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-680, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-680, filed 4/17/96, effective 5/18/96.]

WAC 260-70-710 Voiding track record. In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of any prohibited substances for which the purse is redistributed, then such track record shall be null and void.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-710, filed 4/17/96, effective 5/18/96.]

WAC 260-70-720 Posterior digital neurectomy. (1) No person may bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as an agent in the sale of any horse on the grounds under the jurisdiction of the commission that has had a posterior digital neurectomy performed, or has had any nerve removed from the leg of such horse, except as provided in this chapter.

(2) A horse upon which a posterior digital neurectomy has been performed is eligible to race if the following conditions are met:

(a) Prior approval of an official veterinarian has been obtained before the horse was brought onto the grounds of the racing association;

(b) An official veterinarian is satisfied that the loss of sensation to the horse due to the posterior digital neurectomy will not endanger the safety of the public and the participants in racing and does not compromise the integrity of horse racing;

(c) The racing secretary is notified of the posterior digital neurectomy at the time the horse is admitted to the grounds of the racing association; and

(d) The horse's registration or eligibility certificate has been marked to indicate that a posterior digital neurectomy was performed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-720, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-720, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-720, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-720, filed 4/17/96, effective 5/18/96.]

WAC 260-70-730 Postmortem examination. (1) The commission may require a postmortem examination of any horse that is injured on the grounds of a racing association during its scheduled race meet and training periods, while the horse is in training or in competition and that subsequently expires or is destroyed, or any horse that expires while housed on the grounds. In proceeding with a postmortem examination the commission or its designee will coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) Trainers and owners must cooperate with such action as a condition of licensure.

(3) An official veterinarian may take possession of the horse upon death for postmortem examination. An official veterinarian may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for analysis. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal will be borne by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-036, § 260-70-730, filed 3/12/07, effective 4/12/07; 06-09-009, § 260-70-730, filed 4/10/06, effective 5/11/06; 05-07-067, § 260-70-730, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-730, filed 4/17/96, effective 5/18/96.]

Chapter 260-72 WAC

COMMUNICATIONS TO AND FROM GROUNDS

WAC

| | |
|------------|--|
| 260-72-020 | Transmission of race results. |
| 260-72-040 | Transmission of simulcast signal to account wagering facility. |
| 260-72-050 | Use of personal communication devices on the grounds. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 260-72-010 | Communication systems, commission approval required—Closure during racing. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-72-010, filed 10/16/86; Rules of racing, § 384, filed 4/21/61.] Repealed by 03-13-073, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.020. |
| 260-72-030 | Transmission or broadcast of information relating to feature races. [Rules of racing, § 386, filed 4/21/61.] Repealed by 04-21-053, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.020. |

WAC 260-72-020 Transmission of race results.

A class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-72-020, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 00-20-029, § 260-72-020, filed 9/27/00, effective 10/28/00; 94-04-003, § 260-72-020, filed 1/20/94, effective 2/20/94; Rules of racing, § 385, filed 4/21/61.]

WAC 260-72-040 Transmission of simulcast signal to account wagering facility.

(1) A class 1 racing association may transmit simulcasts of live horse races conducted at its racetrack to an account wagering facility only in accordance with this section, RCW 67.16.200(4), and the interstate horse racing act, 15 U.S.C. Sections 3001 to 3007. In this section, "class 1 racing association" or "association" means the same as in RCW 67.16.200(7).

(2009 Ed.)

(2) In this section, "account wagering facility" or "facility" means a business, other than a racing association, that

- (a) Facilitates parimutuel wagering on horse races it simulcasts;
- (b) Is conducted outside the state of Washington; and
- (c) Is licensed or otherwise permitted by law in the state in which it is located.

(3) To transmit a simulcast signal under this section, an association must file an application on a form provided by the commission at least fifteen days before the first simulcast race covered by the application. The executive secretary may approve a request to simulcast under this section, subject to rescission of the approval by the commission within sixty days. The application must include at a minimum:

- (a) A copy of the written contract or agreement between the class 1 association and the account wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;
- (b) Written approval from the horsemen's association representing the majority of owners and trainers racing at the class 1 racing association;
- (c) Written approval from the appropriate regulatory authority in the state where the account wagering facility is located;
- (d) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and for the protection of the public; and
- (e) Dates of the live race meet for which the application is being made.

(4) The written agreement between the class 1 racing association and the account wagering facility must contain substantially the following terms:

- (a) A specific description of the fee structure and fees to be paid to the association under the agreement;
- (b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law, including any wager originating in the state of Washington unless affirmatively permitted by Washington law;
- (c) The executive secretary may require the association to submit additional information if he or she determines the additional information is necessary for the commission to effectively evaluate the application;

(d) Approval of an application under this section shall be in effect from the date of approval through the close of the live race meet for which the application is made, unless rescinded by the commission under subsection (3);

(e) The commission's approval of a specific application under this section is not binding on the commission as to any other application.

(5) In determining whether to approve an application under this section, the commission shall consider the following factors:

- (a) The impacts on all Washington racing associations, Washington horsemen, and the Washington horse racing industry;
- (b) Whether the commission deems the state compliance and monitoring efforts described in WAC 260-72-040 (3)(d) and contained in the application sufficient to ensure the integ-

urity of all operations and financial transactions under the agreement; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

(6) No class 1 racing association shall enter a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(7) Every class 1 racing association approved to transmit a simulcast signal under this section shall file with the commission a monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

[Statutory Authority: RCW 67.16.040. 03-07-058, § 260-72-040, filed 3/14/03, effective 4/14/03.]

WAC 260-72-050 Use of personal communication devices on the grounds. (1) The use of personal communication devices is not allowed by any licensee, except with prior approval or in the case of an emergency, in the jockey's quarters thirty minutes prior to the first live race and until the final live race on the card is official.

(2) No licensee shall use a personal communication device while on horseback on the racing surface, during live racing, except with permission of the board of stewards.

(3) The use of audible personal communication devices shall be prohibited in the saddling enclosure of the paddock, the receiving barn, and test barn when horses are present. These devices are permitted, but when carried in these areas these devices shall be turned off or set to a silent mode.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 05-05-045, § 260-72-050, filed 2/14/05, effective 3/17/05.]

Chapter 260-75 WAC SATELLITE LOCATIONS

WAC

| | |
|------------|-----------------------------------|
| 260-75-020 | Satellite locations applications. |
| 260-75-030 | Satellite location. |
| 260-75-040 | Enforcement and penalties. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|--|
| 260-75-010 | Satellite locations daily fee. [Statutory Authority: RCW 67.16.040. 91-15-036, § 260-75-010, filed 7/16/91, effective 8/16/91.] Repealed by 01-22-074, filed 11/2/01, effective 12/3/01. Statutory Authority: RCW 67.16.040. |
|------------|--|

WAC 260-75-020 Satellite locations applications. Each application for a satellite location from a class 1 racing association must be submitted on the satellite application form. The application form must be completed in every respect, containing all the information and attachments requested. The application includes an association satellite application, satellite location application and a satellite location application—personal history statement.

(1) The association satellite application is to be completed by the sponsoring association.

(2) The satellite location application is to be completed by the proposed satellite location. The application will be

signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete. The following person(s) must sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The executive secretary may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The satellite location application—personal history statement is to be completed by each individual owner and spouse or each officer of a charitable, nonprofit or profit seeking corporation and any stockholder having ten percent or more corporate stock.

(4) The commission will consider only those applications that have been fully completed. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the application investigation.

(5) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted subject to the exemptions in chapter 42.56 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(6) In addition to other information required by the executive secretary, each applicant will provide the following information on or attached to the application:

(a) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(b) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(c) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the satellite activity will be conducted, if such premises are leased or rented.

(7) Before each race meet, the association will submit a list of all satellite locations in their renewal application.

(8) An association will immediately inform the executive secretary if ownership or management information provided in the original or renewal application changes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-75-020, filed 3/13/08, effective 4/13/08. Statutory Authority: RCW 67.16.020. 04-19-045, § 260-75-020, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040. 00-07-040, § 260-75-020, filed 3/6/00, effective 4/6/00.]

WAC 260-75-030 Satellite location. (1) Each satellite location shall have a location manager designated by the host racing association.

(2) All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) The location managers shall be responsible to ensure the satellite location is in compliance with WAC 260-12-250.

(4) All satellite locations shall be open to inspection without advance notice by the commission or its designee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 06-09-010, § 260-75-030, filed 4/10/06, effective 5/11/06; 05-05-042, § 260-75-030, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. 04-19-045, § 260-75-030, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040. 00-07-040, § 260-75-030, filed 3/6/00, effective 4/6/00.]

WAC 260-75-040 Enforcement and penalties. (1) Any violations of this chapter will be referred to the executive secretary. The executive secretary has sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The approval to operate a satellite location and/or the license of location managers and mutuel clerks may be suspended or revoked and/or fines may be imposed, if the executive secretary finds violations of any of the requirements of chapter 67.16 RCW or Title 260 WAC or failure to comply with any conditions on the operation of the satellite location imposed by the commission.

(3) If the executive secretary denies, suspends or revokes approval of a satellite location or of a license, or imposes a fine, the applicant or licensee may request a hearing before the commission. If the executive secretary makes a determination that an agreement between the association and the satellite location should not be approved, or previous approval withdrawn, the class 1 racing association may request a hearing before the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-07-039, § 260-75-040, filed 3/13/08, effective 4/13/08; 05-05-042, § 260-75-040, filed 2/14/05, effective 3/17/05.]

**Chapter 260-80 WAC
PROHIBITED PRACTICES**

WAC

- 260-80-010 Offering or accepting a bribe.
- 260-80-030 Entering ineligible horse.
- 260-80-040 Offer or receipt of benefit for scratching an entry.
- 260-80-050 Corrupt or fraudulent practice and conspiracy.
- 260-80-060 Betting for account of jockey.
- 260-80-070 Offers, gifts, to jockey.
- 260-80-100 Appliance to alter speed of horse.
- 260-80-110 Tampering with horse.
- 260-80-130 Improper language.
- 260-80-140 Disturbing the peace.
- 260-80-145 Safe practices while on horseback.
- 260-80-150 Mistreatment of horses.
- 260-80-160 Engaging in criminal activity.
- 260-80-170 Bookmaking is prohibited.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 260-80-020 Accepting bribe. [Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-059, § 260-80-020, filed 3/10/06, effective 4/10/06. Rules of racing, § 66, filed 4/21/61.]

- 260-80-080 Repealed by 07-07-013, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040. Horseshoes. [Rules of racing, § 72, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-80-090 Bar plates. [Rules of racing, § 73, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-80-120 Paying fine of jockey. [Rules of racing, § 76, filed 4/21/61.] Repealed by 06-07-059, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

WAC 260-80-010 Offering or accepting a bribe. No person may give, offer, promise, or accept, directly or indirectly, either in his/her own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of improperly influencing the result of a race, or which would tend to influence the result of a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-010, filed 3/8/07, effective 4/8/07; Rules of racing, § 65, filed 4/21/61.]

WAC 260-80-030 Entering ineligible horse. No person may willfully enter, or cause to be entered, or start a horse that he/she knows or believes to be ineligible or disqualified.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-030, filed 3/8/07, effective 4/8/07; Rules of racing, § 67, filed 4/21/61.]

WAC 260-80-040 Offer or receipt of benefit for scratching an entry. No person may offer or receive money or any other benefit for withdrawing or scratching an entry from a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-040, filed 3/8/07, effective 4/8/07; Rules of racing, § 68, filed 4/21/61.]

WAC 260-80-050 Corrupt or fraudulent practice and conspiracy. No person may commit any corrupt or fraudulent practice in relation to racing, nor may any person conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-050, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-050, filed 3/10/06, effective 4/10/06. Rules of racing, § 69, filed 4/21/61.]

WAC 260-80-060 Betting for account of jockey. No person may make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then the bet may only be placed on the horse being ridden by that jockey to win or finish first in combinations with other horses in multiple wagers. Records of such wagers must be kept and made available upon request of the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-060, filed 3/8/07, effective 4/8/07; Rules of racing, § 70, filed 4/21/61.]

WAC 260-80-070 Offers, gifts, to jockey. No person may offer or give a jockey any money or other benefit in relation to a race except the owner or trainer of the horse ridden in that race by the jockey.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 71, filed 4/21/61.]

WAC 260-80-100 Appliance to alter speed of horse. (1) No electrical or mechanical device or other appliance designed or intended to increase or decrease the speed of a

horse, or that would tend to increase or decrease the speed of a horse, other than the ordinary whip may be possessed by anyone or applied by anyone to a horse, at any time on the grounds of an association, during a meeting whether in a race or otherwise.

(2) Any person aiding or abetting in the use or possession of, or soliciting or inducing the use or possession of such a device or appliance will be subject to the same penalties as the penalty for possession or use.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-100, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-100, filed 3/10/06, effective 4/10/06; Order 6, § 260-80-100, filed 12/3/70. Rules of racing, § 74, filed 4/21/61.]

WAC 260-80-110 Tampering with horse. No person may tamper or attempt to tamper with any horse in such a way as to affect the horse's speed in a race, or in such a way as is intended to affect the horse's speed in a race, nor may any person counsel or in any way aid or abet any such tampering.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-110, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-110, filed 3/10/06, effective 4/10/06. Rules of racing, § 75, filed 4/21/61.]

WAC 260-80-130 Improper language. No person may use improper, profane or indecent language to a commissioner, racing official, or any employee of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 16, filed 4/21/61.]

WAC 260-80-140 Disturbing the peace. A person may not unreasonably disturb the peace while on association grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-140, filed 3/8/07, effective 4/8/07; 06-15-092, § 260-80-140, filed 7/14/06, effective 8/14/06; Rules of racing, § 17, filed 4/21/61.]

WAC 260-80-145 Safe practices while on horseback. All persons while on horseback must ride in a safe and prudent manner on the grounds of a racing association.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-145, filed 3/8/07, effective 4/8/07.]

WAC 260-80-150 Mistreatment of horses. No person may subject any horse to any form of cruelty, mistreatment, neglect, abuse, abandonment, injury, maiming or killing or administer any noxious substance to or deprive any horse of necessary care or sustenance, shelter or veterinary care. This section does not apply to treatment or euthanasia of a horse by a licensed veterinarian consistent with standard veterinary practices.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-150, filed 3/8/07, effective 4/8/07; 06-07-059, § 260-80-150, filed 3/10/06, effective 4/10/06.]

WAC 260-80-160 Engaging in criminal activity. While on association grounds no person may engage in any activity that would constitute a criminal act in the state of Washington.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-013, § 260-80-160, filed 3/8/07, effective 4/8/07.]

[Title 260 WAC—p. 104]

WAC 260-80-170 Bookmaking is prohibited. No person may make, solicit for, or bet with a handbook or a foreign book on the grounds of any licensed race track or satellite location. No person who is or reputed to be a bookmaker, may enter or remain on the grounds of any racing association or satellite location in this state.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-088, § 260-80-170, filed 2/15/08, effective 3/17/08.]

Chapter 260-84 WAC

PENALTIES

WAC

| | |
|------------|---|
| 260-84-060 | Penalty matrixes. |
| 260-84-065 | Licenses—Drug and alcohol penalties. |
| 260-84-090 | Equine medication and prohibited substances—Penalties—Guidelines. |
| 260-84-100 | Furosemide penalties. |
| 260-84-110 | Penalties for uniform classifications. |
| 260-84-120 | Penalties relating to permitted medication. |
| 260-84-130 | Penalties for prohibited practices. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-84-010 | Who may impose. [Order 75.7, § 260-84-010, filed 4/30/76; Order 73.2, § 260-84-010, filed 6/28/73; Rules of racing, § 133, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-020 | Report to commission. [Rules of racing, § 134, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-030 | Fines—When due. [Statutory Authority: RCW 67.16.020, 79-06-002 (Order 79-1), § 260-84-030, filed 5/4/79; Rules of racing, § 135, filed 4/21/61.] Repealed by 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-035 | Payments in lieu of fines. [Order 73.2, § 260-84-035, filed 6/28/73.] Repealed by Order 75.7, filed 4/30/76. |
| 260-84-040 | Disposition. [Order 73.2, § 260-84-040, filed 6/28/73; Rules of racing, § 136, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020. |
| 260-84-050 | Suspensions—Computation of time. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-050, filed 3/11/05, effective 4/11/05. Rules of racing, § 137, filed 4/21/61.] Repealed by 08-05-086, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-070 | Ejection from grounds—Permission to reenter. [Statutory Authority: RCW 67.16.020 and 67.16.040. 05-07-064, § 260-84-070, filed 3/11/05, effective 4/11/05. Rules of racing, § 382, filed 4/21/61.] Repealed by 08-05-086, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-84-080 | Disposition of fines—Board of relief. [Rules of racing, § 387, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020. |

WAC 260-84-060 Penalty matrixes. (1) The imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

(2009 Ed.)

| Class A and B Licensed Facilities | | | |
|--|--|------------------------------------|--------------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Disturbing the peace WAC 260-80-140 | Warning to \$200 and/or suspension | Warning to \$500 and/or suspension | Suspension |
| Person performing duties for which they are not licensed WAC 260-36-010 | \$100 | \$200 | \$300 |
| Unlicensed or improperly licensed personnel WAC 260-28-230 | \$100 | \$200 | \$300 |
| Violation of any claiming rule in chapter 260-60 WAC | \$200 to \$500 plus possible suspension | | |
| Failure of jockey agent to honor riding engagements (call) WAC 260-32-400 | \$75 | \$100 | \$200 |
| Failure of jockey to report correct weight WAC 260-32-150 | \$100 | \$200 | \$300 |
| Failure of jockey to appear for films WAC 260-24-510 | \$50 | \$100 | \$200 |
| Failure of jockey to fulfill riding engagement WAC 260-32-080 | \$100 | \$150 | \$200 |
| Jockey easing mount without cause WAC 260-52-040 | \$250 and/or suspension | \$500 and/or suspension | \$1000 and/or suspension |
| Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040 | Warning to \$750 and/or suspension (riding days) | | |
| Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040 | Suspension (riding days) and possible fine | | |
| Jockey's misuse of whip WAC 260-52-040 | Warning to \$2500 | | |
| Entering ineligible horse WAC 260-40-140 and 260-80-030 | \$250 | \$500 | \$1000 |
| Unauthorized late scratch (WAC 260-40-010) | \$200 | \$300 | \$400 |
| Arriving late to the paddock or receiving barn WAC 260-28-200 | Warning to \$50 | \$50 to \$100 | \$100 to \$200 |
| Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650 | Warning to \$50 | \$100 | \$200 |
| Failure to have registration papers on file - resulting in a scratch WAC 260-40-090 | \$200 | \$300 | \$400 |
| Failure to obtain permission for equipment changes WAC 260-44-010 | \$50 | \$100 | \$200 |
| Failure to report performance records WAC 260-40-100 | Warning to \$50 | \$100 | \$150 |
| Failure to submit gelding report WAC 260-28-295 | \$100 | \$200 | \$300 |
| Insufficient workouts - resulting in scratch WAC 260-40-100 | \$200 | \$300 | \$400 |
| Class C Licensed Facilities | | | |
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Disturbing the peace WAC 260-80-140 | Warning to \$100 and/or suspension | \$250 and/or suspension | Suspension |

| Class C Licensed Facilities | | | |
|---|--|-------------------------|--------------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Person performing duties for which they are not licensed WAC 260-36-010 | \$50 | \$100 | \$150 |
| Unlicensed or improperly licensed personnel WAC 260-28-230 | \$50 | \$100 | \$200 |
| Violation of any claiming rule in chapter 260-60 WAC | \$100 to \$250 plus possible suspension | | |
| Failure to honor riding engagements (call) - agents WAC 260-32-400 | \$25 | \$50 | \$100 |
| Reporting incorrect weight - jockeys WAC 260-32-150 | \$25 | \$50 | \$100 |
| Failure to appear for films - jockeys WAC 260-24-510 | \$25 | \$50 | \$100 |
| Failure to fulfill riding engagement WAC 260-32-080 | \$50 | \$100 | \$200 |
| Easing mount without cause WAC 260-52-040 | \$100 | \$200 and/or suspension | \$400 and/or suspension |
| Jockey failing to maintain straight course or careless riding WAC 260-52-040 | Warning to \$750 and/or suspension (riding days) | | |
| Jockey's misuse of whip WAC 260-52-040 | Warning to \$2500 | | |
| Entering ineligible horse WAC 260-40-140 and 260-80-030 | \$100 | \$200 | \$300 |
| Unauthorized late scratch WAC 260-40-010 | \$100 | \$200 | \$300 |
| Arriving late to the paddock WAC 260-28-200 | Warning to \$25 | \$50 | \$100 |
| Failure to deliver furosemide treatment form WAC 260-70-650 | Warning to \$25 | \$50 | \$100 |
| Failure to have registration papers on file - resulting in a scratch WAC 260-40-090 | \$50 | \$100 | \$100 |
| Failure to submit gelding report WAC 260-28-295 | \$50 | \$100 | \$200 |
| Failure to obtain permission for equipment changes WAC 260-44-010 | \$25 | \$50 | \$100 |

| Class A, B and C Licensed Facilities | | | |
|---|-----------------|-------------|--------------------------------------|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Smoking in restricted areas WAC 260-20-030 | \$50 | \$100 | \$250 and/or suspension |
| Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030 | \$200 | \$500 | \$1000 and/or suspension |
| Failure to post problem gambling signs WAC 260-12-250 | Warning to \$50 | \$100 | \$200 |
| Issuing a check to the commission with not sufficient funds WAC 260-28-030 | \$50 | \$100 | \$200 |
| Failure to follow instructions of the outrider WAC 260-24-690 | \$50 | \$100 | \$200 |
| Use of improper, profane, or indecent language WAC 260-80-130 | \$200 | \$300 | \$500 |

| Class A, B and C Licensed Facilities | | | |
|---|---|--|---|
| | 1st Offense | 2nd Offense | 3rd Offense or subsequent offense |
| Failure to complete provisional license application within fourteen days WAC 260-36-200 | \$100 and suspension of license | \$250 and suspension of license | \$500 and suspension of license |
| Failure to register employees with the commission (trainers responsibility) WAC 260-28-230 | Warning to \$50 | \$100 | \$200 |
| Failure to furnish fingerprints WAC 260-36-100 | \$100 and suspension of license | \$250 and suspension of license | \$500 and suspension of license |
| Nonparticipation - licensing WAC 260-36-080 | License canceled | | |
| False application WAC 260-36-100 and 260-36-120 | \$50 to \$250 and/or possible denial, suspension or revocation of license | | |
| Failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120 | Warning to \$100 | | |
| Failure to divulge a felony WAC 260-36-120 | \$100 to \$250 and/or denial, suspension, or revocation of license | | |
| Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510 | \$500 fine and/or denial, suspension or revocation of license | | |
| Failure to pay proper industrial insurance premium(s) chapter 260-220 WAC and WAC 260-36-230 | In addition to being required to pay the full industrial insurance premium, the trainer will be assessed a fine equal to fifty percent of the premium due | | |
| Failure to pay L&I payment agreement WAC 260-28-235 | Immediate suspension until premium paid and \$50 fine for each quarter payment is late | | |
| Unlicensed person on the backside WAC 260-20-040 | Report violation to the racing association | | |
| Financial responsibility WAC 260-28-030 | Resolution with mutual agreement between the parties - failure to comply with the agreement will result in immediate suspension | | |
| Failure to appear for a ruling conference WAC 260-24-510 | Suspension (conference may be held in individual's absence) | | |
| Failure to pay fine within 7 days of ruling conference (no extension granted or no request for hearing filed) WAC 260-24-510 | Suspension until fine paid | | |
| Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 | 1 year suspension plus mandatory referral to commission for revocation | | |
| Failure to wear proper safety equipment WAC 260-12-180 | \$50 | \$100 | \$200 |
| Horses shod with improper toe grabs WAC 260-44-150 | Horse scratched and \$250 fine to trainer and plater | Horse scratched and \$500 fine to trainer and plater | Horse scratched and \$1000 fine to trainer and plater |
| Failure to display or possess license badge when in restricted area WAC 260-36-110 | \$25 | \$50 | \$100 |

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction. If a penalty is not listed under second or third/subsequent offense columns, the

penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a). For violations considered minor, the fine

can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year, or revocation.

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the parimutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090.

(6) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral will not preclude commission action in any matter. A stewards' ruling will not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-086, § 260-84-060, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-03-066, § 260-84-060, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-060, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05. Rules of racing, § 381, filed 4/21/61.]

WAC 260-84-065 Licensees—Drug and alcohol penalties. (1) Engaging in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2).

- (a) First offense - thirty-day suspension; and
- (b) Second or subsequent offense - one-year suspension and referral to the commission for revocation.

(2) Possessing any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance, other than marijuana in violation of WAC 260-34-020(5); or possessing or having within their body while on the grounds of a licensed race meet any illegal controlled substance, in violation of WAC 260-34-020 (1) or (4).

- (a) First offense - thirty-day suspension; and
- (b) Second offense - one-year suspension and referral to the commission for revocation.

(3) Possessing any equipment, products or materials of any kind, which are used or intended for use in ingesting, inhaling or otherwise introducing into the human body marijuana, in violation of WAC 260-34-020(5); or possessing or having within their body marijuana, an illegal controlled substance, while on the grounds of any licensed race meet, in violation of WAC 260-34-020(1).

- (a) First offense - three-day suspension;
- (b) Second offense - thirty-day suspension; and
- (c) Third or subsequent offenses - one-year suspension and referral to commission for revocation.

(4) Being under the influence of or affected by intoxicating liquor and/or drugs in violation of WAC 260-34-020(1).

- (a) First offense - warning to one-day suspension;
- (b) Second offense - three-day suspension;
- (c) Third offense - thirty-day suspension; and

(d) Subsequent offenses - one-year suspension and referral to commission for revocation.

(5) Refusing to submit to a drug or alcohol test, in violation of WAC 260-34-020(6) will result in a penalty of a one-year suspension plus referral to the commission for revocation.

(6) Possessing any equipment or material used to manufacture or distribute any controlled substance, or engaging in the sale, manufacturing or distribution of any illegal controlled substance or possessing an illegal controlled substance with intent to deliver on the grounds of any licensed race meet in violation of WAC 260-34-020 (3) or (5), immediate ejection from the grounds, a one-year suspension plus referral to the commission for revocation.

(7)(a) For violations of WAC 260-34-020 (1) and (4), the board of stewards may stay a suspension if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

- (i) Remain in compliance with the rehabilitation and/or treatment program.
- (ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission security investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards, after a conference, finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this subsection, the board of stewards has discretion to impose the original suspension authorized by this rule. If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(8) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(9) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

[Statutory Authority: RCW 67.16.020, 07-03-066, § 260-84-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040, 06-07-058, § 260-84-065, filed 3/10/06, effective 4/10/06.]

WAC 260-84-090 Equine medication and prohibited substances—Penalties—Guidelines. (1) Upon a finding of a violation of the medication and prohibited substances rules in chapter 260-70 WAC, the stewards will consider the classification level of the medication, drug or substance prior to imposing a penalty. The stewards will also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and whether the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's report received per WAC 260-70-540.

(2) A lesser penalty than that established in WAC 260-84-110 may be imposed if a majority of the stewards determine that mitigating circumstances warrant a lesser penalty. If a majority of the stewards determine a greater penalty is appropriate or that a penalty in excess of the authority granted them is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation for substances referred to in chapter 260-70 WAC, at least the following will be considered:

- (a) The past record of the trainer and/or veterinarian in medication/drug cases;
- (b) The potential of the medication/drug to influence a horse's racing performance;
- (c) The availability of the medication/drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the medication/drug used;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the medication found was one for which the horse was receiving a treatment as determined by the veterinarian report(s);
- (i) Whether there was any suspicious betting pattern in the race; and
- (j) Whether the presence of the medication/drug in urine was confirmed in serum or plasma.

(3) If a majority of the stewards determine a penalty greater than established in these rules is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(4) If the penalty is not otherwise established for a violation of chapter 260-70 WAC, the penalty will be determined by the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 08-05-086, § 260-84-090, filed 2/15/08, effective 3/17/08; 06-07-058, § 260-84-090, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-090, filed 3/11/05, effective 4/11/05.]

WAC 260-84-100 Furosemide penalties. (1) Penalties will be assessed against any person found to be responsible or party to the improper administration of furosemide or failure

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to administer furosemide when required, in chapter 260-70 WAC as follows:

Fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may be referred to the commission for further action, which may include an additional fine or suspension.

(2) Equine medication violations from Washington and all recognized racing jurisdictions, will be considered when assessing penalties.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 08-05-086, § 260-84-100, filed 2/15/08, effective 3/17/08; 05-07-064, § 260-84-100, filed 3/11/05, effective 4/11/05.]

WAC 260-84-110 Penalties for uniform classifications. (1) Penalties will be assessed against any person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test. In assessing penalties under this section, violations in the last three hundred sixty-five days from Washington and all recognized racing jurisdictions will be considered.

(a) Class 1 - One to five year suspension and at least \$5,000 fine and loss of purse.

(b) Class 2 - Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(c) Class 3 - Sixty days to six months suspension and up to \$1,500 fine and possible loss of purse.

(d) Class 4 - Zero to sixty days suspension and up to \$1,000 fine and possible loss of purse.

(e) Class 5 - Warning to fifteen days suspension with a possible loss of purse and/or fine.

(2) A lesser penalty may be imposed if a majority of the stewards determine that mitigating circumstances, as outlined in WAC 260-84-090 exist.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 08-05-086, § 260-84-110, filed 2/15/08, effective 3/17/08; 05-07-064, § 260-84-110, filed 3/11/05, effective 4/11/05.]

WAC 260-84-120 Penalties relating to permitted medication. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties will be assessed:

| Concentration | 1st offense within 365 days | 2nd offense within 365 days | 3rd and subsequent offenses within 365 days |
|-------------------------|-----------------------------|-----------------------------|---|
| > 5.0 but < 6.5 mcg/ml | Warning | Fine not to exceed \$300 | Fine not to exceed \$500 |
| > 6.5 but < 10.0 mcg/ml | Fine not to exceed \$300 | Fine not to exceed \$500 | Fine not to exceed \$1000 |
| > 10.0 mcg/ml | Fine not to exceed \$500 | Fine not to exceed \$1000 | Fine not to exceed \$2500 and possible suspension |

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of a permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action, which may include a fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may be referred to the commission for further action, which may include an additional fine and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior offenses will count regardless of whether the violation(s) occurred in Washington or another recognized racing jurisdiction, and regardless of the prior concentration level.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-086, § 260-84-120, filed 2/15/08, effective 3/17/08; 05-07-064, § 260-84-120, filed 3/11/05, effective 4/11/05.]

WAC 260-84-130 Penalties for prohibited practices.

For a person or persons found to be responsible for violation of WAC 260-70-545, including the treating veterinarian, the following penalties will be assessed:

(1) For violations of WAC 260-70-545, except WAC 260-70-545 (4)(b);

(a) For first offense - Thirty day suspension and \$1,000 fine;

(b) For second offense - Sixty day suspension and \$2,000 fine;

(c) For third offense - One year suspension, \$2,500 fine and a mandatory referral to the commission.

(2) For violations of WAC 260-70-545(4), the person or persons found to be responsible for the violation, including the treating veterinarian will be suspended for one year, pay a \$2,500 fine and referred to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 08-05-086, § 260-84-130, filed 2/15/08, effective 3/17/08; 05-07-064, § 260-84-130, filed 3/11/05, effective 4/11/05.]