Chapter 260-36 WAC
LICENSES

WAC

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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. WSR 04-24-019, § 260-36-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 89-13-007 (Order 89-03), § 260-36-020, filed 6/9/89; WSR 86-09-072 (Order 86-02), § 260-36-020, filed 4/21/86; WSR 82-14-012 (Order 82-05), § 260-36-020, filed 6/25/82; Rules of racing, § 245, filed 4/21/61.] Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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. WSR 04-24-019, § 260-36-040, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. WSR 02-10-101, § 260-36-040, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 89-13-007 (Order 89-03), § 260-36-040, filed 6/9/89; WSR 87-15-019 (Resolution No. 87-02), § 260-36-040, filed 7/8/87; WSR 86-09-072 (Order 86-02), § 260-36-040, filed 4/21/86; WSR 82-14-012 (Order 82-05), § 260-36-040, filed 6/25/82; Rules of racing, § 343, filed 4/21/61.] Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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 Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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 61.16.020 [67.16.020] and 67.16.040. WSR 82-14-012 (Order 82-05), § 260-36-090, filed 6/25/82; Rules of racing, § 344, filed 4/21/61.] Repealed by WSR 04-24-019, filed 11/22/04, effective 12/23/04.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 Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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 Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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 Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06.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. WSR 91-03-033, § 260-36-190, filed 1/9/91, effective 1/22/91.] Repealed by WSR 06-05-039, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-36-220 Industrial insurance premiums—Additional premiums for exercise riders. [Statutory Authority: RCW 67.16.-020. WSR 11-17-050, § 260-36-220, filed 8/12/11, effective 9/12/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-23-063, § 260-36-220, filed 11/13/09, effective 12/14/09; WSR 08-05-087, § 260-36-220, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.020.] WSR 07-01-051, § 260-36-220, filed 12/14/06, effective 1/14/07.] Repealed by WSR 12-05-042, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020.

260-36-230 Short duration industrial insurance coverage. [Statutory Authority: RCW 67.16.020. WSR 11-17-050, § 260-36-230, filed 8/12/11, effective 9/12/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-23-063, § 260-36-230, filed 11/13/09, effective 12/14/09; WSR 08-05-087, § 260-36-230, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.020.] WSR 07-01-051, § 260-36-230, filed 12/14/06, effective 1/14/07.] Repealed by WSR 12-05-042, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020.

260-36-240 Industrial insurance coverage—Reciprocal agreements. [Statutory Authority: [RCW 67.16.020.] WSR 07-01-051, § 260-36-240, filed 12/14/06, effective 1/14/07.] Repealed by WSR 12-05-042, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020.

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. WSR 07-15-041, § 260-36-010, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-010, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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. WSR 07-01-052, § 260-36-015, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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. WSR 07-01-052, § 260-36-030, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-030, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. WSR 04-24-019, § 260-36-030, filed 11/22/04, effective 12/23/04; WSR 04-15-039, § 260-36-030, filed 7/12/04, effective 8/12/04. Statutory Authority: RCW 67.16.040. WSR 91-24-085, § 260-36-030, filed 12/4/91, effective 1/4/92. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 89-13-007 (Order 89-03), § 260-36-030, filed 6/9/89; WSR 86-09-072 (Order 86-02), § 260-36-030, filed 4/21/86; WSR 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 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. WSR 07-01-052, § 260-36-050, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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. WSR 07-01-052, § 260-36-060, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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.

(3) All applicants for a groom, assistant trainer, or other employees of the trainer not on horseback, must certify on their application that they are physically fit to perform the duties of the position they hold.

(4) If, during the year of license, a groom, assistant trainer, or other employee of the trainer becomes injured, they will report the injury to the trainer, who must in turn report the injury to the board of stewards or executive secretary. If the injury adversely impacts an employee's ability to perform their duties, the board of stewards or executive secretary may require the employee provide a physician's written statement verifying fitness to perform their duties before the employee will be allowed to return to work on or off the grounds of the racing association.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-062, filed 11/9/12, effective 12/10/12; WSR 07-01-052, § 260-36-062, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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. WSR 07-01-052, § 260-36-065, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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 and volunteers 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 end of the month in which the final live race day of the year is run, unless extended as provided in subsection (4) of this section, or 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.

(4) All licenses issued to exercise riders - track, and pony riders - track will expire on the last live race day of the year. All licenses issued to trainers, assistant trainers, grooms, exercise riders - farm, and pony riders - farm, will expire at the end of the month in which the final live race day of the year the track is run, unless extended as provided in subsection (5) of this section.

(5) The license of trainers, assistant trainers, grooms, exercise riders - farm, and pony riders - farm may be extended if the trainer chooses to extend industrial insurance coverage as provided in WAC 260-36-250 (4)(a). In those cases, the license of the trainer and the trainer's employees will not expire as provided in subsection (4) of this section until industrial insurance coverage is no longer obtained or until December 31st, whichever comes first.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-080, filed 11/9/12, effective 12/10/12; WSR 07-01-052, § 260-36-080, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-080, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. WSR 04-24-019, § 260-36-080, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. WSR 94-04-002, § 260-36-080, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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. (1) The following are the license fees for any person actively participating in racing activities:

Apprentice jockey	$83.00
Assistant trainer	$40.00
Association employee - Management	$27.00
Association employee - Hourly/seasonal	$17.00
Association volunteer nonpaid	No fee
Authorized agent	$27.00
Clocker	$27.00
Exercise rider - Farm	$83.00
Exercise rider - Track	$83.00
Groom	$27.00
Honorary licensee	$17.00
Jockey agent	$83.00
Jockey	$83.00
Other	$27.00
Owner	$83.00
Pony rider - Farm	$83.00
Pony rider - Track	$83.00
Service employee	$27.00
Spouse groom	$27.00
Stable license	$51.00
Trainer	$83.00
Vendor	$127.00
Veterinarian	$127.00

(2) Exercise and pony riders.

(a) A person receiving an exercise rider - track license must first obtain an exercise rider - farm license if that person works off the grounds of a Washington race track. A person receiving a second exercise rider's license will not be charged an additional license fee for that second license.

(b) A person receiving a pony rider - track license must first obtain a pony rider - farm license if that person works off the grounds of a Washington race track. A person receiving a second pony rider's license will not be charged an additional license fee for that second license.

(3) In other cases, the license fee for multiple licenses may not exceed $127.00, 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 ($83.00), exercise rider ($83.00), and pony rider ($83.00). The total license fee for these multiple licenses would only be $127.00.

Example two - A person applies for the following licenses: Owner ($83.00), trainer ($83.00) and exercise rider ($83.00). The total cost of the trainer and exercise rider license would be $127.00. The cost of the owner license ($83.00) would be added to the maximum cost of multiple licenses ($127.00) for a total license fee of $210.00.

Example three - A person applies for the following licenses: Owner ($83.00), vendor ($127.00), and exercise rider ($83.00). The license fees for owner ($83.00) and vendor ($127.00) are both added to the license fee for exercise rider ($83.00) for a total license fee of $293.00.

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. WSR 12-23-015, § 260-36-085, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 67.16.020 and 2009 c 564 § 147. WSR 10-21-055, § 260-36-085, filed 10/14/10, effective

11/14/10. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-21-014, § 260-36-085, filed 10/9/09, effective 11/9/09; WSR 08-05-087, § 260-36-085, filed 2/15/08, effective 3/17/08; WSR 07-21-059, § 260-36-085, filed 10/12/07, effective 11/12/07. Statutory Authority: RCW 67.16.020. WSR 07-01-054, § 260-36-085, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-085, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. WSR 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. Following the initial application, each person must then submit fingerprints at an interval determined by the commission. 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. WSR 10-17-071, § 260-36-100, filed 8/13/10, effective 9/13/10. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-087, § 260-36-100, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-100, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-100, filed 2/9/06, effective 3/12/06. Statutory Authority: RCW 67.16.020. WSR 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 restricted area of racing association grounds, acting in an official capacity or participating directly in horse racing.

[Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-110, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-110, filed 2/9/06, effective 3/12/06; WSR 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, executive secretary, or board of stewards 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 any felony or gross misdemeanor crime;

(b) Is subject of current prosecution of any felony crime;

(c) Has any felony conviction under appeal;

(d) Has pending criminal charges;

(e) Has failed to meet the minimum qualifications required for the license for which they are applying;

(f) Has failed to disclose or states falsely any information required in the application;

(g) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

(h) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

(i) Has been or is currently excluded from a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

(j) Has had a license denied by any racing jurisdiction;

(k) 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;

(l) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

(m) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

(n) Has violated any of the provisions of chapter 67.16 RCW;

(o) Has violated any provisions of Title 260 WAC;

(p) Has association with persons of known disreputable character;

(q) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060; or

(r) Has committed any act with the outcome or intent of defrauding the industrial insurance benefits provided under the horse industry account.

(2) The commission, executive secretary or board of stewards must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) 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;

(b) Has any outstanding arrest warrants; or

(c) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction.

(3) A license suspension or revocation will be reported in writing to the applicant or licensee and electronically to the Association of Racing Commissioners International, Inc.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-120, filed 11/9/12, effective 12/10/12; WSR 12-03-077, § 260-36-120, filed 1/13/12, effective 2/13/12. Statutory Authority: RCW 67.17.020. WSR 10-07-048, § 260-36-120, filed 3/11/10, effective 4/11/10. Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-120, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-120, filed 2/9/06, effective 3/12/06; WSR 05-05-047, § 260-36-120, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. WSR 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. WSR 07-01-052, § 260-36-150, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 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.

[Statutory Authority: RCW 67.16.020. WSR 12-03-074, § 260-36-180, filed 1/13/12, effective 2/13/12; WSR 07-01-052, § 260-36-180, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-180, filed 2/9/06, effective 3/12/06; WSR 05-05-043, § 260-36-180, filed 2/14/05, effective 3/17/05; WSR 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. WSR 08-05-087, § 260-36-200, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-200, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-200, filed 2/9/06, effective 3/12/06; WSR 05-09-045, § 260-36-200, filed 4/18/05, effective 5/19/05; WSR 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. WSR 07-01-052, § 260-36-210, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-210, filed 2/9/06, effective 3/12/06.]

WAC 260-36-250 Industrial insurance. (1) At the time of submitting a license application, or as provided in this section, all licensed trainers must provide the commission with the name of all licensed employees, including grooms, assistant trainers, exercise riders - farm, and pony riders - farm. Trainers will be required to maintain accurate payroll records and may be required to submit them to the commission or the department of labor and industries for premium verification and/or claims processing. In addition the trainer will inform the commission of the worksite for each employee. For the purpose of industrial insurance coverage a worksite may only be one of the following locations:

(a) A Washington race track - A race track in the state of Washington granted race dates by the commission. A site will be designated as a Washington race track for the purposes of industrial insurance for only the period of the track's licensed race meet and periods of training when horses are exercised in preparation for competition. This period of time is limited to only that period of time when the stewards have authority on the grounds (WAC 260-24-510(2));

(b) Farm or training center - A farm or training center is any location off the grounds of a licensed race meet. This will include any recognized race track located outside the state of Washington as well as any Washington race track during the period before its period of training or after its licensed race meet. For the purposes of industrial insurance all such locations will be considered a farm or training center.

(2) Grooms and assistant trainers.

(a) A licensed trainer must pay the industrial insurance premiums for all licensed grooms and licensed assistant trainers as established by labor and industries, unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to licensed grooms and licensed assistant trainers working for the trainer, and excludes all exercise riders, pony riders, and any other licensed employee of the trainer, whether working at a farm or training center. In addition, licensed spouse grooms are exempt from coverage requirements.

(b) A trainer is responsible for accurately reporting to the commission all grooms and assistant trainers in the trainer's employ. If a trainer releases any employee from employment, the trainer must notify the commission within forty-eight hours. Failure to notify the commission within forty-eight hours may result in the trainer being responsible for the full industrial insurance premium until notification is made. It is the trainer's responsibility to ensure all grooms and assistant trainers in their employ are properly licensed by the commission.

(c) The industrial insurance premiums will be assessed based on each groom or assistant trainer employed in the coverage month, or on a per day basis. The daily rate is ten percent of the monthly rate. Premiums will be paid to the commission on a monthly basis. A trainer must pay the assessed industrial insurance premium for each licensed groom and licensed assistant trainer at the end of each month, or before the trainer leaves the grounds taking his/her horses. Multiple trainers may employ the same groom, but each trainer is responsible for the entire applicable labor and industries premium. Payment of the full premium is normally due prior to the fifteenth of the following month. Failure to make the payment by the fifteenth will result in a fine and, if applicable, a suspension as outlined in WAC 260-84-135.

(3) Track employees.

(a) A trainer must pay the industrial insurance premiums for all track employees employed by the trainer to work on the grounds of a race track unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to track employees, which will include

licensed exercise riders - track, and licensed pony riders - track, and excludes all grooms, spouse grooms, assistant trainers, and all farm employees working off the grounds of a Washington race track at a farm or training center.

(b) It is the trainer's responsibility to ensure all track employees in their employ are properly licensed by the commission.

(c) The industrial insurance premiums to cover track employees will be assessed on the number of horses, per day, in a month a license trainer has horses on the grounds. The number of horses will include all horses on the grounds under the care of a licensed trainer, including pony horses. Premiums will be paid to the commission on a monthly basis. A trainer must pay the assessed industrial insurance premium for each horse per day at the end of each month, or before the trainer leaves the grounds taking his/her horses.

(i) A trainer is responsible to accurately report the correct number and identity of any horse or horses in their care.

(ii) A trainer is responsible to report any transfer of a horse in their care to another trainer at the commission office. Failure to report transfers will result in the trainer being assessed the industrial insurance premium for unreported transfers until the commission receives the required notice.

(4) Farm employees.

(a) A licensed trainer must pay the industrial insurance premiums for all licensed farm employees employed by the trainer to work at a farm or training center unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to licensed farm employees which will include licensed exercise riders - farm, and licensed pony riders - farm, and excludes grooms, spouse grooms, assistant trainers, and all track employees working on the grounds of a Washington race track.

(b) A trainer is responsible for accurately reporting all farm employees in the trainer's employ. A trainer must notify the commission prior to any employee beginning work. If a trainer releases any farm employee from employment, the trainer must notify the stewards within forty-eight hours. Failure to notify the commission within forty-eight hours may result in the trainer being responsible for the full industrial insurance premium until notification is made. It is the trainer's responsibility to ensure all farm employees in their employ are properly licensed by the commission.

(c) The industrial insurance premiums to cover farm employees will be assessed on the number of employees, per day, multiplied by the number of days in the month the trainer reports the employee working. Trainers must report the anticipated work days and hours of work each day at the start of the month. If the work schedule changes the trainer must immediately notify the commission.

(d) A farm employee may be required to produce to the commission payroll records for verification of work days and/or claims processing.

(5) 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.

(6) Employees moving from one worksite to another.

(a) A licensed groom or licensed assistant trainer can move from the track to the farm or from the farm to the track. The trainer is not required to notify the commission whenever a licensed groom or licensed assistant trainer moves from the different worksites.

(b) A licensed exercise rider - track or licensed pony rider - track may not move from the track to the farm unless that person first obtains an exercise rider - farm or pony rider - farm license. On those days a track employee moves from the track to the farm, the trainer will be responsible, at the end of the month, to pay an additional farm premium for each employee, for each day they worked at the farm as provided in subsection (4) of this section.

(c) A licensed exercise rider - farm or licensed pony rider - farm can move from the farm to the track. Before moving any such employees, the employee must first also be licensed as an exercise rider - track or pony rider - track. On those days a farm exercise rider or pony rider moves to the track, the trainer will not be responsible to pay any additional premium, as long as the employee continues to have the farm premium assessed.

(d) A track employee is only covered under the per horse, per day premium, and then only while on the grounds of a Washington race track during its licensed race meet and periods of training. Any time prior to or after the stewards have authority on the grounds granted in WAC 260-24-510(2), the Washington track will be considered, for the purposes of industrial insurance coverage a farm or training center.

(7) Major track versus nonprofit race track.

(a) There will no longer be a distinction, for industrial insurance purposes, except as provided in (b) of this subsection, between a major (Class A or B) race track and a nonprofit (Class C) race track. Premiums to cover licensed employees will be assessed the same.

(b) License owners at a major race track will be assessed a premium of one hundred fifty dollars per year for one hundred percent ownership of one or more horses. Owners, with partial ownership interest shall be assessed a prorated amount of the full ownership fee in increments of ten percent. Owners at a nonprofit or Class C race track will continue to pay a lesser premium as established annually by the department of labor and industries.

(c) Premiums paid by owners are a fee to subsidize workers compensation coverage for injured workers. The premiums paid by owners do not extend any coverage to owners.

(8) Coverage outside the state of Washington.

(a) Trainers with employees from Washington may continue coverage when they are at another recognized race track in another state if that other jurisdiction has a reciprocal agreement with the state of Washington, and if:

(i) The trainer pays the premium for grooms and assistant trainers, and as long as both the trainer and grooms/assistant trainers are licensed by the commission; and

(ii) The trainer pays the premium at the farm rate for exercise riders - farm and pony riders - farm, and as long as both the trainer and all farm employees are licensed by the commission.

(b) Trainers must continue to report Washington employees to the commission prior to the start of each month

so an assessment can be made. Failure to report may result in the trainer being referred to the stewards or executive secretary for further action.

(c) Track employees hired in another state or jurisdiction are not Washington employees. They are to be covered in the state or jurisdiction they were hired in. It is the trainer's responsibility to obtain coverage in the other state or jurisdiction.

(9) Trainers will be provided an invoice monthly of premiums due. Total monthly premiums will be rounded to the next whole dollar.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-250, filed 11/9/12, effective 12/10/12; WSR 12-05-042, § 260-36-250, filed 2/10/12, effective 3/12/12.]

WAC 260-36-260 Employees and duties. (1) Employees of licensed trainers are grooms, assistant trainers, exercise riders (both at the track and at the farm), and pony riders (both at the track and at the farm). Employees of a trainer may only perform those duties for which they are licensed and as outlined in this section. For the purposes of industrial insurance coverage under the horse industry account, coverage will only extend while an employee is properly licensed by the commission, employed by a licensed trainer, and only performing duties associated with the employee's license.

(2) Exercise riders, both at the track and farm may only perform the following duties:

(a) Exercise horses, which includes riding, lunge and line drive horses;

(b) Assist with saddling horses for training;

(c) Unsaddle horses following training;

(d) Clean tack following training;

(e) An exercise rider may not perform any of the duties of a groom, assistant trainer, pony rider, or other duties not usually preparing horses for competition.

(3) Pony riders may only perform the following duties:

(a) Escort horses to the track during training;

(b) Escort horses to the receiving barn and to the stable following a race;

(c) Escort horses to the starting gate in the post parade during racing (pony rider - track only);

(d) Clean stalls, rake and clean stable area associated with their ponies;

(e) A pony rider may not perform any duties of a groom, assistant trainer, exercise rider, or other duties not normally associated with escorting horses.

(4) Grooms may perform the following duties:

(a) Clean stalls, rake and clean stable area;

(b) Bathe, groom, feed, and water horses;

(c) Lead horses to and from hot walkers or to the track and/or receiving barn and paddock;

(d) Apply bandages, salves, topical medications, etc.;

(e) Tack horses for training;

(f) Handle horses in the paddock and test barn; and

(g) A groom may not mount or ride a horse.

(5) Assistant trainers may perform the duties of a groom and additionally may represent the trainer in other matters such as entering and scratching horses. An assistant trainer also may not mount or ride a horse.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-260, filed 11/9/12, effective 12/10/12.]