

# Title 260 WAC

## HORSE RACING COMMISSION

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### Chapter 260-08 WAC

#### PRACTICE AND PROCEDURE

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 260-08-620 | Requests for public 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.] Repealed by 10-05-065, filed 2/12/10, effective 3/15/10. Statutory Authority: RCW 67.16.020 and 67.16.040.         |
| 260-08-630 | Copying fees. [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.] Repealed by 10-05-065, filed 2/12/10, effective 3/15/10. Statutory Authority: RCW 67.16.020 and 67.16.040.                        |
| 260-08-650 | Review of denials of public records. [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.] Repealed by 10-05-065, filed 2/12/10, effective 3/15/10. Statutory Authority: RCW 67.16.020 and 67.16.040. |
| 260-08-660 | Protection of public records. [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.] Repealed by 10-05-065, filed 2/12/10, effective 3/15/10. Statutory Authority: RCW 67.16.020 and 67.16.040.        |

#### 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, with the exception of riding violations.

(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. 10-09-013, § 260-08-675, filed 4/9/10, effective 5/10/10. 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.]

### Chapter 260-09 WAC

#### PUBLIC RECORDS

#### WAC

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**WAC 260-09-010 Authority and purpose.** (1) The purpose of these rules is to establish the procedures the commission will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the commission and establish processes for both requestors and the commission staff that are designed to best assist members of the public in obtaining such access.

(2) The purpose of the chapter is to also provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. These rules will be interpreted in favor of disclosure. In carrying out its responsibilities, the commission will be guided by the provisions of the public records law of the state of Washington.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-010, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-020 Agency description—Contact information—Public records officer.** (1) The commission 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's central office is

located at 6326 Martin Way, Suite 209, Olympia, WA 98516-5578. The commission has field offices at Emerald Downs in Auburn, WA, and nonprofit meets while in operation.

(2) Any person wishing to request access to public records of the commission, or seeking assistance in making such a request should contact the public records officer of the commission. Information is also available at the commission's web site at [www.whrc.wa.gov](http://www.whrc.wa.gov).

(3) The public records officer will oversee compliance with accessing public records the act but another commission staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee will provide the "fullest assistance" to requestors; create and maintain for use by the public and commission employees an index to public records of the commission; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-020, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-030 Availability of public records. (1)**

Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the commission. Records must be inspected at the offices of the commission.

(2) Organization of records. The commission will take reasonable actions to protect records from damage and disorganization. A requestor may not take records from commission offices without the permission of the public records officer or designee. A variety of records is available on the commission web site at [www.whrc.wa.gov](http://www.whrc.wa.gov). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(3) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the commission should make the request in writing, fax, or e-mail addressed to the public records officer and include the following information:

- (i) Name of requestor;
- (ii) Address of requestor;
- (iii) Other contact information, including telephone number and any e-mail address;
- (iv) Identification of the public records adequate for the public records officer or designee to locate the records; and
- (v) The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Standard photocopies will be provided at fifteen cents per page.

(c) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-030, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-040 Processing of public records requests—General.** (1) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(2) Consequences of failure to respond. If the commission does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(3) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(4) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the commission believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) Inspection of records.

(a) Consistent with other demands, the commission will promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the commission notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the commission may close the request and refile the assembled records. Other public records requests can be processed ahead of a

subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee will make the requested copies or arrange for copying.

(7) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the commission has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the commission has closed the request.

(10) Later discovered documents. If, after the commission has informed the requestor that it has provided all available records, the commission becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-040, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-050 Processing of public records requests—Electronic records.** (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-050, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-060 Exemptions.** (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the commission for inspection and copying: Chapter 10.97 RCW.

(2) The commission is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-060, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-070 Costs of providing copies of public records.** (1) There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page. (There is no charge for photocopies of twenty pages or less.)

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The commission will not charge sales tax when it makes copies of public records.

(2) Costs for electronic records. The cost of electronic copies of records shall be one dollar for information on a CD-ROM. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) Costs of mailing. The commission may also charge actual costs of mailing, including the cost of the shipping container.

(4) Payment. Payment may be made by cash, check, or money order to the Washington horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-070, filed 2/12/10, effective 3/15/10.]

**WAC 260-09-080 Review of denials of public records.** (1) Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition will include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer will promptly provide the petition and any other relevant information to the executive secretary of the commission. The executive secretary will immediately consider the petition and either affirm or reverse the denial within two business days following the commission's receipt of the petition, or within such other time as commission and the requestor mutually agree to.

(3) Review by the attorney general's office. If the commission denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-065, § 260-09-080, filed 2/12/10, effective 3/15/10.]

## Chapter 260-12 WAC GENERAL RULES

### WAC

260-12-010

Definitions.

**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 three hundred sixty-five days and up to an indefinite period of time (e.g., life-time). Individuals revoked are ineligible 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 temporary loss of license privileges for a specific period 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; with the exception of riding suspensions, which will be race days. 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 [67.16.020]. 10-09-012, § 260-12-010, filed 4/9/10, effective 5/10/10. 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.]

## Chapter 260-16 WAC

### WASHINGTON-BRED HORSES

#### WAC

260-16-063

Washington-bred owners' bonus and breeder awards.

**WAC 260-16-063 Washington-bred owners' bonus and breeder awards.** Consistent with the applicable laws in chapter 67.16 RCW and the applicable rules in Title 260 WAC, the Washington-bred owners' bonus and breeder awards will be retained, collected, and distributed as follows:

(1) Washington-bred owner's bonus. A Class 1 racing association will withhold and pay daily to the commission one percent of the gross receipts of all in-state parimutuel machines, including approved satellite locations during the period of its authorized live race meet.

(2) Washington-bred breeder's award. A Class 1 racing association may withhold, in addition to the amounts authorized to be retained in RCW 67.16.170, for each authorized day of racing an additional six percent of the daily gross receipts of all in-state parimutuel machines from exotic wagers at its race meet and approved satellite locations. If a Class 1 racing association does retain an additional six percent of the daily gross receipts of all in-state parimutuel machines from exotic wagers at its race meet, the Class 1 racing association must provide one-sixth of the additional six percent for Washington-bred breeder awards. At the end of its authorized live race meet, a Class 1 racing association must pay to the commission the one-sixth of the additional six percent retained from exotic wagers for Washington-bred breeder's awards.

(3) The race meet will mean the period beginning the first day of live racing and concluding on the last day of live racing, and will include wagering on live races conducted on the grounds of the Class 1 racing association and simulcast wagering conducted during the period of the race meet. It will include wagering on simulcast races conducted during the live race meet, whether or not live racing is being conducted.

(4) The race meet will not include any wagering conducted at a Class 1 racing association or its approved satellite locations beginning the day after the last day of live racing and continuing until the day before the first day of live racing the following race season.

(5) Moneys received by the commission for Washington-bred owner's bonus and breeder's awards shall be deposited in the Washington-bred owner's bonus fund and breeder's

award fund account in the custody of the state treasurer. The commission shall distribute the Washington-bred owner's bonus and breeder's awards as provided in WAC 260-16-065.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 10-05-063, § 260-16-063, filed 2/12/10, effective 3/15/10.]

## Chapter 260-24 WAC

### ASSOCIATION OFFICIALS AND EMPLOYEES

#### WAC

260-24-510

Stewards.

260-24-580

Starter and assistant starters.

#### 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) Grant a license with conditions;

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

(vii) Revoke or deny a license; or

(viii) 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, with the exception of riding violations which must be challenged within seventy-two hours 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, or seventy-two hours in the case of riding violations.

(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 (or seventy-two hours for riding violations), if a request for hearing before the commission has not been filed, the stewards' penalty will be imposed. All fines are due immediately following the period a person has to challenge a ruling, unless otherwise approved by the stewards.

(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. 10-07-046, § 260-24-510, filed 3/11/10, effective 4/11/10. 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 260-24-580 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;

(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;

(h) Recommend to the stewards horses that should be scratched because a horse at the starting gate is refusing to load or is unruly.

(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.

All assistant starters, and anyone appointed by the starter to act as a substitute assistant starter, must wear a securely fastened safety vest, which meets the shock-absorbing protection required in WAC 260-12-180(2).

(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. 10-05-064, § 260-24-580, filed 2/12/10, effective 3/15/10; 09-03-008, § 260-24-580, filed 1/8/09, effective 2/8/09; 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.]

**Chapter 260-28 WAC**

**OWNERSHIPS, TRAINERS AND EMPLOYEES**

**WAC**

260-28-235

Trainer—Duty to provide employees financial relief from injury.

**WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury.** At the time of submitting a license application, or when required by other rule, 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. The industrial insurance premiums will be based on the type of race meet the trainer is licensed to participate at and the applicable sections in chapter 260-36 WAC.

(1) Trainers who are licensed at a Class A or B race meet must pay the industrial insurance premiums established by the department of labor and industries for parimutuel horse racing at major tracks.

(2) Trainers who are licensed at a Class C race meet will pay the industrial insurance premiums established by the department of labor and industries for parimutuel horse racing for nonprofit tracks.

(3)(a) If a trainer who is licensed at a Class A or B race meet wishes to run a horse(s) at a Class C race meet during the same calendar year, the trainer from the Class A or B race meet is not required to pay any additional industrial insurance premiums to participate at a Class C race meet unless the trainer adds a groom slot or an assistant trainer, or starts different horses or adds more horses in training than they had at the Class A or B race meet. Should a trainer increase the number of employees or different horses started or in training, the trainer must pay the additional industrial insurance premiums for the Class C race meet.

(b) If a trainer who is licensed at a Class C race meet wishes to run a horse(s) at a Class A or B race meet during the same calendar year, the trainer from the Class C race meet must first pay the difference in industrial insurance premiums between what he/she has paid at the Class C race meet and the industrial insurance premiums due at the Class A or B race meet.

[Statutory Authority: RCW 67.16.020. 10-07-047, § 260-28-235, filed 3/11/10, effective 4/11/10. 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.]

**Chapter 260-36 WAC**

**LICENSES**

**WAC**

260-36-085

License and fingerprint fees.

260-36-100 Fingerprints.  
260-36-120 Denial, suspension, and revocation—Grounds.

**WAC 260-36-085 License and fingerprint fees.** 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                       | \$83.00  |
| Groom                                | \$27.00  |
| Honorary licensee                    | \$17.00  |
| Jockey agent                         | \$83.00  |
| Jockey                               | \$83.00  |
| Other                                | \$27.00  |
| Owner                                | \$83.00  |
| Pony rider                           | \$83.00  |
| Service employee                     | \$27.00  |
| Spouse groom                         | \$27.00  |
| Stable license                       | \$51.00  |
| Trainer                              | \$83.00  |
| Vendor                               | \$127.00 |
| Veterinarian                         | \$127.00 |

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 and 2009 c 564 § 147. 10-21-055, § 260-36-085, filed 10/14/10, effective 11/14/10. Statutory Authority: RCW 67.16.020 and 67.16.040. 09-21-014, § 260-36-085, filed 10/9/09, effective

11/9/09; 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. 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. 10-17-071, § 260-36-100, filed 8/13/10, effective 9/13/10. 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 260-36-120 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 criminal charges;
- (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 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 67.17.020. 10-07-048, § 260-36-120, filed 3/11/10, effective 4/11/10. 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.]

**Chapter 260-40 WAC**

**ENTRIES, STARTS, NOMINATIONS AND SCRATCHES**

WAC

260-40-065

Multiple entries.

**WAC 260-40-065 Multiple entries.** 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:

(1) Stake races;

(2) Races in which there are fees required to nominate or enter; and

(3) Allowance/optional claiming or maiden special weight races. In these races a trainer may not enter more than three horses.

(4) 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. 10-10-017, § 260-40-065, filed 4/26/10, effective 5/27/10. Statutory Authority: RCW 67.16.020 and 67.16.040. 07-07-010, § 260-40-065, filed 3/8/07, effective 4/8/07.]

**Chapter 260-44 WAC**

**WEIGHTS AND EQUIPMENT**

WAC

260-44-050

260-44-120

Weighing out—Equipment included in jockey's weight.

Weighing in—Weigh in/weigh out—Tolerances—Penalties.

**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: Riding crop, head number, bridle, bit, reins, number cloth, blinker, over girth, protective helmet or safety vest.

(3) Upon approval by the board of stewards or their designee, jockeys may be allowed up to two pounds more than published weights to account for inclement weather clothing and equipment.

[Statutory Authority: RCW 67.16.020. 10-07-049, § 260-44-050, filed 3/11/10, effective 4/11/10. 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 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties.** (1) Each jockey will weigh in at no less than the same weight he/she weighed out. If a jockey is under the weight that is assigned, and after consideration of mitigating circumstances by the board of stewards, his/her mount may 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) The post race weighing in of jockeys includes safety vest, helmet, sweat, dirt and mud that have accumulated on the jockey, jockey's clothing, and jockey's safety equipment. This may account for additional weight, depending on specific equipment as well as weather and track condition.

(3) A notice shall be included in the official program that all jockeys will carry approximately three pounds more than published weight to account for safety equipment (vest and helmet), that is not included in weighing out procedures. Additionally, upon approval jockeys may weigh an additional two pounds for inclement weather gear.

[Statutory Authority: RCW 67.16.020, 10-07-051, § 260-44-120, filed 3/11/10, effective 4/11/10. 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.]

### Chapter 260-52 WAC

#### THE RACE—PADDOCK TO FINISH

##### WAC

260-52-040 Post to finish.  
260-52-045 The riding crop.

**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 interferes, 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 place in front of a horse that it interfered with.

(8) If a horse is disqualified, any horses that it shares a common ownership with may also be disqualified, if in the opinion of the stewards, the foul was intentional.

(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.

[Statutory Authority: RCW 67.16.020, 10-17-070, § 260-52-040, filed 8/13/10, effective 9/13/10; 10-07-050, § 260-52-040, filed 3/11/10, effective 4/11/10. 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 260-52-045 The riding crop.** (1) Only riding crops approved by the stewards and meeting the following specifications will be allowed:

- (a) Maximum weight of 8 ounces;
- (b) Maximum length (including flap) of 30 inches;
- (c) Minimum diameter of the shaft of one-half inch; and
- (d) The contact area of the shaft must be smooth with no protrusions or raised surface.

(2) The only additional feature that may be attached to the riding crop is a flap. If a flap is attached it must meet the following specifications:

- (a) Maximum length of the flap from the end of the shaft is one inch;
- (b) Maximum width of the flap is 1.6 inches, with a minimum width of 0.8 inch;
- (c) The flap, from the end of the shaft, may not contain any reinforcements or additions;
- (d) There may be no binding within 7 inches of the end of the flap;
- (e) The flap must be humane, cushioned with memory foam or other similar shock absorbing material, unaltered from the original manufacturer, and sewn down each side of the outer layer;
- (f) The flap must be dark in color and made of a material that does not harden over time; and
- (g) The requirement for the riding crop is waived for Class C race meets as defined in RCW 67.16.130.

(3) The riding crop is subject to approval by the stewards and subject to inspection by any steward, commission racing official, official veterinarian, or investigator.

(4) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race may do so only in a manner consistent with exerting his/her best efforts to win. In all races where a jockey will ride without a riding crop, an announcement will be made over the public address system. No device designed to increase or retard the speed of a horse, other than an approved riding crop is permitted on the grounds of any racing association. Riding crops may not be used on 2-year-old horses before April 1 of each year.

(5) Prohibited uses of the riding crop include striking a horse:

(a) On the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

(b) During the post parade or after the finish of the race, except when necessary to control the horse;

(c) Excessively or brutally causing welts or breaks in the skin;

(d) When the horse is clearly out of the race or has obtained its maximum placing;

(e) Persistently even though the horse is showing no response under the riding crop; and

(f) Striking another rider or horse.

(6) The riding crop should only be used for safety, correction, and encouragement. All riders should consider the following when using the riding crop:

(a) Showing the horse the riding crop and giving the horse time to respond before striking the horse;

(b) Giving the horse the chance to respond before using the riding crop again; and

(c) Using the riding crop in rhythm with the horse's stride.

(7) After the race or during training all horses are subject to inspection by a steward, official veterinarian, commission racing official, or investigator.

(8) Any trainer, owner, or other licensee that instructs a jockey to use the riding crop in a manner not consistent with these rules may be subject to disciplinary action.

[Statutory Authority: RCW 67.16.020. 10-07-050, § 260-52-045, filed 3/11/10, effective 4/11/10.]