

# Chapter 260-40 WAC

## ENTRIES, STARTS, NOMINATIONS AND SCRATCHES

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-40-060	Joint subscriptions and entries. [Rules of racing, § 98, filed 4/21/61.] Repealed by WSR 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-080	Refusal of entries and transfers. [Rules of racing, § 100, filed 4/21/61.] Repealed by WSR 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-150	Compliance with partnership registration. [Rules of racing, § 109, filed 4/21/61.] Repealed by WSR 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-190	Sale to disqualified person voids engagements. [Rules of racing, § 115, filed 4/21/61.] Repealed by WSR 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-40-200	Double entries. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 83-16-075 (Order 83-02), § 260-40-200, filed 8/3/83; WSR 80-01-034 (Order 79-06), § 260-40-200, filed 12/17/79; Rules of racing, § 116, filed 4/21/61; revised 5/4/62, filed 1/21/64.] Repealed by WSR 07-07-010, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-40-010 Nominations and scratches.** (1) A horse may not be considered nominated or scratched out of an engagement until the owner, trainer or designee provides written notice to the racing secretary before the time set by the association.

(2) For stake races, if a horse is not named through the entry box before the close of entries for that race, the horse is automatically out.

(3) If the validity of any nomination is alleged, the complainant must provide satisfactory proof of the error that is alleged; otherwise, the nomination will be accepted.

(4) Any owner, trainer, or designee who has entered a horse will be allowed the right to scratch the horse from the race entered prior to the published scratch time, until no fewer than eight interests remain in the race. If there are more requests to scratch than are available, permission to scratch must be decided by lot. However, in all races involving the daily double, no entry may be scratched that would reduce the starting field to less than the number designated by the racing secretary, without permission of the board of stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the board of stewards.

(5) The racing secretary is authorized to accept entries that will be allowed to scratch based upon predetermined conditions established by the racing secretary at entry time.

(6) All horses must be scratched by the designated scratch time set by the association, and consistent with subsection (1) of this section.

(7) If the racing secretary does not designate a scratch time, no horse will be allowed to scratch without permission of the board of stewards.

(8) The scratch of a horse out of an engagement is irrevocable.

[Statutory Authority: RCW 67.16.020. WSR 11-03-050, § 260-40-010, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-010, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 82 through 87, filed 4/21/61.]

**WAC 260-40-020 Entry prerequisite to start.** A horse may not start in any race unless the horse has been properly entered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-020, filed 3/8/07, effective 4/8/07; Rules of racing, § 93, filed 4/21/61.]

**WAC 260-40-030 Racing secretary to receive entries and nominations.** (1) The racing secretary is the person authorized to receive entries and nominations for all races, except as provided in WAC 260-40-250(2).

(2) The racing secretary may refuse the entry of any person, or the transfer of any entry for reasons deemed, by the racing secretary, to be in the best interest of racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-030, filed 3/8/07, effective 4/8/07; Rules of racing, § 94, filed 4/21/61.]

**WAC 260-40-040 Making entries and nominations.**

(1) Entries and nominations must be submitted in writing on the forms provided by the association and signed by the owner, trainer or if designated, the jockey agent. The racing secretary may accept entries and nominations by telephone, facsimile or other electronic method deemed acceptable by the association. A telephone or electronic entry or nomination will be confirmed promptly in writing if requested by the stewards or the racing secretary.

(2) Persons entering or nominating a horse are responsible for the accuracy of the information provided at the time of entry or nomination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-03-010, § 260-40-040, filed 1/8/09, effective 2/8/09; WSR 07-07-010, § 260-40-040, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 95, 96, filed 4/21/61.]

**WAC 260-40-045 Authority to represent owner. A**

trainer may represent the owner in the matter of entries, nominations, scratches, and the employment of jockeys.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-045, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-050 Ownership interest required—**

**Entries and nominations.** (1) The majority ownership interest must approve the nomination or entry of any horse into a race.

(2) The person with a majority ownership interest in a horse, or the authorized agent or managing owner, as provided in WAC 260-28-080, must approve the nomination or entry of the horse into a race.

(3) All owners of a horse are individually and collectively responsible for any fees resulting from nominations, entries, or starting fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-050, filed 3/8/07, effective 4/8/07; Rules of racing, § 97, filed 4/21/61.]

**WAC 260-40-055 Jockey to be named at the time of**

**entry.** Prior to the close of entries, an owner, trainer, or authorized agent must furnish the name of the jockey who is to ride in the race. If the jockey named on the entry at the time of the draw does not accept the mount, the stewards may name a replacement jockey.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-055, filed 3/8/07, effective 4/8/07.]

**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. 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. WSR 14-03-054, § 260-40-065, filed 1/13/14, effective 2/13/14; WSR 10-10-017, § 260-40-065, filed 4/26/10,

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

**WAC 260-40-070 Description and identification of**

**horse.** (1) When entering a horse for the first time, the person making the entry must furnish the name, color, sex, and age of the horse, and the name of its sire and dam, as shown on the registration certificate. This description must be repeated on every entry until a description of the horse has been published in the official program, or the list of entries of the association. On every entry after such publication, the horse's name and age will be sufficient.

(2) All horses must have their complete description and a corresponding program number listed in the official racing program.

(3) For racing and programming purposes, horses will be designated as follows:

(a) Male - Horse, colt, gelding or ridgling; or

(b) Female - Filly or mare.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 99, filed 4/21/61; Subsections (2) and (3) added, filed 3/11/65.]

**WAC 260-40-075 Required to declare weight, medication, and required equipment changes at the time of**

**entry.** (1) The owner, trainer, or authorized agent is responsible to declare any weight allowances, including apprentice jockey allowances, at the time of entry. The weight declared at time of entry cannot be reduced after the posting of entries.

(2) The person who enters the horse is responsible to list permitted medications and equipment changes at the time of entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-075, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-090 Registration certificate.** No horse may be allowed to start unless a Jockey Club registration certificate, American Quarter Horse Association certificate of registration, or other applicable breed certificate of registration is on file in the office of the racing secretary, except that the stewards may waive this requirement, if the horse is otherwise properly identified and the horse is not entered for a claiming prize.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-090, filed 3/8/07, effective 4/8/07; Order 3, § 260-40-090, filed 5/12/69; Rules of Racing, § 101, filed 4/21/61.]

**WAC 260-40-100 Performance records.** (1) The

owner or trainer of any horse which has started at a recognized race meet not reported in the daily racing form or equibase since its last recorded start must provide the horse's performance records to the racing secretary prior to entering or nominating the horse in a race in this state. These performance records must include the name of the track, date of the race, distance of the race, finish position, and running time of the race, and include all starts since competing at a recorded recognized race meet. If these records are not provided, the horse may not start in a race.

(2) Performance records for races not reported in the daily racing form or equibase will be published in the official

program of the racing association and/or posted and announced to the public.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-05-065, § 260-40-100, filed 2/13/09, effective 3/16/09; WSR 07-07-010, § 260-40-100, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. WSR 04-09-026, § 260-40-100, filed 4/13/04, effective 5/14/04. Statutory Authority: RCW 67.16.040. WSR 00-07-039, § 260-40-100, filed 3/6/00, effective 4/6/00; WSR 95-18-016, § 260-40-100, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. WSR 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

**WAC 260-40-105 Workouts and identification. (1)**

No horse may be permitted to enter or start in a race whose recent workouts have not been properly recorded with the commission.

(2) A horse, which has not started for a period of sixty days or more will be ineligible to race until the horse has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered and the workout must have occurred within thirty days of race day.

(3) A horse that has never started in a recognized race must have two official workouts, one of which must be recorded from the starting gate, and at least one workout must have occurred within thirty days of race day.

(4) The trainer or exercise rider must report the name, distance, and starting point, for each horse scheduled for a workout to the clocker immediately prior to working.

(5) A horse may not be taken onto the track for training or a workout except during the hours designated by the association. When association grounds are open for training, a licensed clocker or commission clocker must be present for any workouts to be considered official. If no clocker is present, the horse may train, but the workout will not be accepted as an official workout.

(6) During a racing association's scheduled race meet and training dates, workouts occurring off the grounds will only be accepted for the purposes of that meet if recorded and submitted to the racing secretary and/or commission by a licensed clocker.

(7) The association must furnish to the public information on all official workouts not listed in the daily racing form prior to the start of the race for which the horse is entered.

[Statutory Authority: RCW 67.16.020. WSR 15-07-057, § 260-40-105, filed 3/16/15, effective 4/16/15. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-105, filed 3/8/07, effective 4/8/07.]

**WAC 260-40-110 Horse must be in care of and saddled by a licensed trainer. (1)** No person may start a horse in a race unless the horse is under the care of a trainer licensed at the race meet.

(2) No horse may start in a race unless the licensed trainer saddles the horse. The stewards may approve a substitute trainer who may saddle the horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 104, filed 4/21/61.]

(3/16/15)

**WAC 260-40-120 Identification prerequisite to start.**

(1) No horse may start that has not been properly identified.

(2) All horses must be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner that meets the standards of the National Crime Information Center.

(3) No horse may start unless ownership is first established.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-120, filed 3/8/07, effective 4/8/07; WSR 81-15-034 (Order 81-06), § 260-40-120, filed 7/10/81; Rules of racing, § 105, filed 4/21/61.]

**WAC 260-40-130 Horses must be on the grounds prior to racing.** Any horse entered for racing must be present on the grounds as follows, except with the prior approval of the official veterinarian:

(1) A first time starter must be present on the grounds two hours prior to the first post time or five hours prior to the post time of the race the horse is entered for racing, whichever is earlier.

(2) A horse that has previously started must be present on the grounds five hours prior to the post time for the race the horse is entered for racing.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 106, filed 4/21/61.]

**WAC 260-40-140 Horse must be eligible to start at time of entry.** All horses must be eligible to start at time of entry, as determined by conditions established by the racing secretary's published condition book or conditions for late extra races offered.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-140, filed 3/8/07, effective 4/8/07; Rules of racing, § 108, filed 4/21/61.]

**WAC 260-40-145 Prohibiting entry of certain horses.**

(1) No horse will be allowed to enter or start if it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission.

(2) No horse may be allowed to enter or start if its owner, lessor(s), or trainers have not been licensed as required by the commission.

[Statutory Authority: RCW 67.16.020. WSR 13-13-042, § 260-40-145, filed 6/14/13, effective 7/15/13; WSR 12-17-061, § 260-40-145, filed 8/10/12, effective 9/10/12. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-145, filed 3/8/07, effective 4/8/07; Order 73.7, § 260-40-145, filed 12/3/73.]

**WAC 260-40-155 The effect of wins on eligibility. (1)** For thoroughbreds, all wins at a Class C race meet in the state or a fair meet in the state of Oregon will not be considered in determining any eligibility at a Class A or B race meet, with the exceptions:

(a) Any horse which has won a race at a recognized race meet may not compete in a maiden race.

(b) Thoroughbreds running at a Class A or B race meet in a mixed breed race, all wins at any recognized meet will be considered in eligibility requirements.

(2) All wins at any recognized race meet will be considered in eligibility requirements of horses running at Class C race meets.

(3) For other breeds, all wins, including maiden wins, will count in eligibility at all race meets, if the win is recognized by the breed registry association listed in WAC 260-16-050(2).

[Statutory Authority: RCW 67.16.020, WSR 12-03-078, § 260-40-155, filed 1/13/12, effective 2/13/12. Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 09-05-065, § 260-40-155, filed 2/13/09, effective 3/16/09.]

**WAC 260-40-160 Horse owned or managed by disqualified person.** (1) A horse may not be entered or start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

(2) An entry from a disqualified person or for a disqualified horse must be deemed void and any fees paid must be paid to the winner.

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, it is presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse. The presumption may be rebutted upon presenting satisfactory evidence to the board of stewards that the disqualified person has no financial interest in the horse, and is not involved in managing the horse.

(4) If a horse is sold to a disqualified person, the horse's racing engagements will be void effective the date of the sale.

[Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-07-010, § 260-40-160, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020, WSR 04-07-076, § 260-40-160, filed 3/15/04, effective 4/15/04; Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

**WAC 260-40-170 Horse on starter's schooling list.** No horse on the starter's schooling list shall be entered for a race.

[Rules of racing, § 113, filed 4/21/61.]

**WAC 260-40-180 Horse on veterinarian's list.** A horse on the veterinarian's list must comply with WAC 260-70-580 prior to being entered, or starting in a race.

[Statutory Authority: RCW 67.16.020, WSR 11-03-052, § 260-40-180, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-07-010, § 260-40-180, filed 3/8/07, effective 4/8/07; Rules of racing, § 114, filed 4/21/61.]

**WAC 260-40-185 Reporting alteration of sex.** Any alteration in the sex of a horse must be reported by the trainer to the racing secretary within seventy-two hours of the procedure. The racing secretary will note the alteration on the foal registration certificate and report the alteration to the Jockey Club.

[Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-07-010, § 260-40-185, filed 3/8/07, effective 4/8/07; Order 4, § 260-40-185, filed 12/24/69.]

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**WAC 260-40-210 Withdrawal, change, of unclosed race.** The association shall have the right to withdraw or change any unclosed race.

[Rules of racing, § 117, filed 4/21/61.]

**WAC 260-40-220 Race declared off—Split of overnight race.** If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post positions.

[Rules of racing, § 118, filed 4/21/61.]

**WAC 260-40-230 Subscription to sweepstakes.** An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.

[Rules of racing, § 119, filed 4/21/61.]

**WAC 260-40-240 Entrance, nomination, and starting fees.** (1) A horse may not start in a race unless all stake or entrance fees required for that race have been paid.

(2) Nomination and entrance fees may not be refunded due to the death of a horse, or a horse's failure to start.

(3) The owner is liable for the nomination and/or entrance fees. The death of a horse or a mistake in its entry does not release the owner from having to pay these fees.

[Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-07-010, § 260-40-240, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 120, 121, 122, filed 4/21/61.]

**WAC 260-40-245 Refunds when stake race declared off.** If a stake race is declared off, all nomination and entry fees paid in connection with that race will be refunded.

[Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-11-112, § 260-40-245, filed 5/18/07, effective 6/18/07.]

**WAC 260-40-250 Closing time for entries and nominations.** (1) Entries and nominations will be closed at an advertised date and/or time, and no entries or nominations will be accepted thereafter. The racing secretary, however, with the consent of the stewards, may postpone closing of overnight races.

(2) Entries and nominations close at the office of the racing secretary. Closing for restricted breed association sponsored stake races may close at the office of the association sponsoring the stake race if advertised in the conditions.

(3) When a time for closing is designated, entries and nominations will not be accepted thereafter. In the event that a time is not designated, they may be mailed or faxed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(4) If an entry or nomination is alleged to be invalid, satisfactory proof that it was entered, mailed, or faxed must be presented to the board of stewards within a reasonable time or the complaint will not be allowed.

(5) Entries that have closed must be compiled without delay by the racing secretary and conspicuously posted.

[Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 07-07-010, § 260-40-250, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 123, 124, 125, 126, 127, filed 4/21/61.]

**WAC 260-40-260 Number of entries and starters. (1)**

In a stake race, all horses duly nominated may enter.

(2) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair and equal start.

(3) A list of names not to exceed six may be drawn from the overflow entries in any purse race and listed as also eligible to start if originally carded horses are withdrawn. The order in which such horses are drawn will determine their eligibility to start. Their post position will be determined as provided by WAC 260-52-020. Any owner, trainer, or authorized agent having a horse so eligible and who does not wish to start, must file a scratch card not later than the scratch time designated for that day, or seek permission from the stewards to scratch as required by WAC 260-40-010.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-260, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 128, 129, 130, filed 4/21/61.]

**WAC 260-40-270 Alterations, corrections, after closing.** No alteration shall be made in any entry after closing of entries, but an error may be corrected.

[Rules of racing, § 131, filed 4/21/61.]

**WAC 260-40-275 Postponement from day to day.**

The stewards may postpone a race from day to day until an off day intervenes.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-11-112, § 260-40-275, filed 5/18/07, effective 6/18/07.]

**WAC 260-40-280 Impaired horses.** An owner or trainer may not enter or start a horse that:

(1) Is not in physically sound and competitive racing condition.

(2) Has been trachea-tubed.

(3) Has been nerved except as provided in (a) and (b) of this subsection.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the prerace veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

(4) Has impaired eyesight in both eyes.

(5) Has been treated by extracorporeal shock wave therapy or radial pulse wave therapy other than allowed in WAC 260-70-545(4).

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-010, § 260-40-280, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. WSR 90-19-001, § 260-40-280, filed 9/6/90, effective 10/7/90; Rules of racing, § 177, filed 4/21/61.]