

# Chapter 260-60 WAC

## CLAIMING

### **WAC**

260-60-300	Who may claim.
260-60-310	Entering in a claiming race—Debts and leased horse.
260-60-330	Claims to be in amount printed on program.
260-60-340	Disposition by lot.
260-60-350	Requirements for a claim.
260-60-360	Stewards to act on claims.
260-60-370	Affidavit.
260-60-380	Prohibited actions.
260-60-390	Claim in bad faith.
260-60-400	Entry of a filly or mare in foal.
260-60-405	Claiming—Declaring a horse ineligible to be claimed at time of entry.
260-60-410	Claimed horse—In whose interest run—Delivery and passage of title.
260-60-420	Claimed horse—Refusal to deliver.
260-60-440	Claimed horse—Subsequent sale or transfer—Retention by owner.
260-60-450	Claimed horse—Restrictions.
260-60-460	Cancellation of claims.
260-60-470	Rules apply to all races.

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

260-60-010	Who may claim—Owner or agent. [Order 73.7, § 260-60-010, filed 12/3/73; Rules of racing, § 33, filed 4/21/61; Amended 3/8/63, filed 1/21/64.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-110	Unlawful agreements—Intimidation. [Rules of racing, § 52, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-020	Prospective owner or agent. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 80-01-032 (Order 79-04), § 260-60-020, filed 12/17/79; Order 73.7, § 260-60-020, filed 12/3/73; Rules of racing, § 33(a), Added 3/8/63, filed 1/21/64.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-115	Claim in bad faith. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 81-09-075 (Order 81-03), § 260-60-115, filed 4/22/81.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-030	Limit as to number claimed. [Rules of racing, §§ 34, 35, 36, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-120	Disclosure of incumbrances—Entry of mare in foal in a claiming race. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 81-08-013 (Order 81-01), § 260-60-120, filed 3/24/81; Rules of racing, § 53, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-040	Claims to be in amount printed on program—Disposition by lot. [Rules of racing, § 41, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-130	Claiming race, limit as to horses in same interest or control. [Rules of racing, § 44, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-050	Formal requisites of claim. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 81-09-075 (Order 81-03), § 260-60-050, filed 4/22/81; Rules of racing, § 42, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-140	Claimed horse—In whose interest run—Delivery and passage of title. [Rules of racing, § 49, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-060	Deposit with association of amount of claim—Receipt credit. [Order 73.7, § 260-60-060, filed 12/3/73; Rules of racing, § 43, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-150	Claimed horse—Refusal to deliver. [Rules of racing, § 51, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-070	Time for deposit of claim in claiming box—Claims irrevocable. [Order 73.7, § 260-60-070, filed 12/3/73; Rules of racing, § 46, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-160	Claimed horse—Subsequent entry. [Rules of racing, § 37, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-080	Divulging information prohibited. [Rules of racing, § 47, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-170	Claimed horse—Subsequent sale or transfer—Retention by owner. [Rules of racing, § 38, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-090	Stewards to pass on claims. [Order 73.7, § 260-60-090, filed 12/3/73; Rules of racing, § 48, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-180	Claimed horse—Racing elsewhere. [Rules of racing, § 39, filed 8/26/65; Rules of racing, § 39, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-100	Affidavit as to claim in own account or as agent. [Rules of racing, § 50, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.	260-60-190	Claimed horse—Title recognized according to rules of meeting. [Rules of racing, § 40, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
		260-60-200	Claimed horse—Foal certificate. [Rules of racing, § 45, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
		260-60-210	Cancellation of claims. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 81-09-075 (Order 81-03), § 260-60-210, filed 4/22/81; Rules of racing, § 57, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
		260-60-220	Claiming rights when stable eliminated. [Rules of racing, §§ 55, 56, filed 4/21/61.] Repealed by Order 73.7, filed 12/3/73.
		260-60-230	Rules apply to all races. [Rules of racing, § 54, filed 4/21/61.] Repealed by WSR 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
		260-60-320	Limit to number. [Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-320, filed 5/23/96, effective 6/23/96.] Repealed by WSR 05-07-063, filed 3/11/05, effective 4/1/05. Statutory Authority: RCW 67.16.020 and 67.16.040.
		260-60-430	Claimed horse—Subsequent entry. [Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-430, filed 5/23/96, effective 6/23/96.] Repealed by WSR 06-07-061, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.020 and 67.16.040.

**WAC 260-60-300 Who may claim.** (1) In claiming races, any horse is subject to be claimed for its entered price

by any owner licensed by the commission, including a prospective owner who has been issued a claiming certificate, or by a licensed authorized agent for the account of such owner.

(2) In order to claim a horse as a prospective owner, a person will submit to the stewards a completed application for a prospective owner's license and the name of a licensed trainer who will assume the care and responsibility for any horse claimed. The stewards may issue a claiming certificate to the applicant upon satisfactory evidence that the applicant is eligible for an owner's license. Once the prospective owner has successfully claimed a horse and made payment of labor and industry fees due, he/she will be considered an owner. At that time the owner should contact a commission office for a new identification badge.

(3) The names of licensed prospective owners who have been issued a claiming certificate must be prominently displayed in the offices of the commission and the racing secretary.

(4) A claiming certificate will expire forty-five days from the date of issue, but may be extended with approval of the stewards; at the conclusion of the race meet at which it was issued, upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(5) No owner or prospective owner may claim more than one horse in any one race.

(6) An authorized agent may claim up to two horses, if each horse is claimed on behalf of entirely different ownerships, and the ownerships do not have a common interest in both claims. An authorized agent may not make a claim on the same horse for different owners.

(7) No more than two claims may be entered with the same trainer listed in any one race.

(8) No trainer may enter or start more than two horses for a claiming price in one race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-300, filed 2/15/08, effective 3/17/08; WSR 05-07-063, § 260-60-300, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020. WSR 04-24-019, § 260-60-300, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-300, filed 5/23/96, effective 6/23/96.]

#### **WAC 260-60-310 Entering in a claiming race—**

**Debts and leased horse.** A person entering a horse in a claiming race must remain responsible for any existing debts associated with the horse. A transfer of ownership following an approved claim will terminate any existing prior lease for that horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-310, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-310, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-330 Claims to be in amount printed on program.** The claiming price of each horse in a claiming race will be printed on the program. Except as ordered by the stewards, no claiming price may be changed after a horse has been entered for a race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-330, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-330, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-340 Disposition by lot.** Should more than one claim be filed for the same horse, the claim of the horse

will be determined by lot under the direction of one or more of the stewards, or their representative.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-340, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-340, filed 5/23/96, effective 6/23/96.]

#### **WAC 260-60-350 Requirements for a claim.**

(1) Claims must be made in writing and signed by an owner, a licensed prospective owner, or an authorized agent; and

(2) Be made on forms and in envelopes furnished by the association and approved by the commission. Both forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim.

(3) In the case of joint ownership only one owner needs to sign.

(4) No money will accompany the claim. Each person desiring to make a claim, must first establish an account with the racing association and have on deposit with the association the whole amount of the claim (including any applicable taxes). The deposit must be in cash, or in the discretion of the association, a certified or bank cashier check.

(5) Claims must be deposited in the claiming box at least fifteen minutes before the established post time of the race for which the claim is filed. When a claim has been filed it is irrevocable and at the risk of claimant.

(6) When a claiming certificate is to be used, that certificate must accompany the claim, or the claim may be declared void.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-350, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 04-05-093, § 260-60-350, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-350, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-360 Stewards to act on claims.** After deposit of the claim the stewards or their authorized representative, will review the claim. Unless approved at such time, the claim will be deemed void. A ruling deeming a claim to be void will be final in all respects.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-360, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 04-05-093, § 260-60-360, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-360, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-370 Affidavit.** The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to affirm in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.

[Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-370, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-380 Prohibited actions.** (1) No official or other employee of any association may give any information as to the filing of claims until after the race has been run.

(2) A person is prohibited from offering, or entering into an agreement, to claim or not to claim, or attempting to prevent another person from claiming, any horse in a claiming race.

(3) A person is prohibited from attempting, by intimidation, to prevent any one from running a horse in any race for which it is entered.

(4) An owner or trainer, starting a horse in any claiming race, is prohibited from making any agreement for the protection of each other's horses from being claimed by a third party.

(5) A person is prohibited from participating in any claim for a horse in which he/she has a financial or beneficial interest.

(6) A person must not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(7) A person must not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-380, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-380, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-390 Claim in bad faith.** If the stewards find that a person has leased, sold or entered a horse merely for the purpose of entering a claim, that claim may be declared void.

[Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-390, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-400 Entry of a filly or mare in foal.** A person is prohibited from entering a filly or mare in a race when the filly or mare is pregnant, unless prior to the time of entry the owner has deposited with the racing secretary a signed agreement providing that the owner will at the time of entry provide for the successful claimant of such mare, without cost, protest, or fee of any kind, a valid stallion service certificate covering the breeding of the filly or mare. A successful claimant of a filly or mare may file with the commission a protest for cancellation of the claim if it is determined the claimed mare is pregnant and the agreement concerning the stallion service certificate was not deposited as required by this section. An in-foal filly or mare will be eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure that the filly or mare is in foal is on file with the racing secretary and the information is posted in his/her office;

(2) The stallion service certificate has been deposited with the racing secretary's office and attached to the horse's foal registration certificate;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) No filly or mare in foal may race, in a claiming race, after the fifth month of pregnancy.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-400, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-400, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-405 Claiming—Declaring a horse ineligible to be claimed at time of entry.** (1) At the time of entry, the owner, trainer, or if designated, the jockey agent, may opt to declare a horse ineligible to be claimed provided:

(10/9/09)

(a) The horse has been laid off and has not started in a race for a minimum of one hundred eighty days; and

(b) The horse is entered for a claiming price equal to or greater than the price at which the horse last started.

(2) Failure to declare the horse ineligible to be claimed at the time of entry may not be remedied.

(3) The provisions of this rule will only apply to the first start following each layoff.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-21-016, § 260-60-405, filed 10/9/09, effective 11/9/09.]

**WAC 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title.** Any purse moneys and prizes earned by a claimed horse will be awarded to the owner that entered the horse. All claims are valid and ownership of the claimed horse is official from the time the claimed horse becomes a "starter." The successful claimant becomes the owner of the horse, whether it be alive or dead, sound or unsound, or injured during the race or after it. Transfer of possession of a claimed horse will take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the successful claimant or his/her representative must maintain physical custody of the claimed horse. However, the original owner, trainer or his/her representative will accompany the horse, observe the testing procedure and sign the test sample tag.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-410, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-410, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-420 Claimed horse—Refusal to deliver.** No person may refuse to deliver to the person legally entitled to a horse claimed out of a claiming race. Refusal to complete the transfer of a claimed horse will result in the suspension of the individual's license and the horse is ineligible to enter until the transfer is complete.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-420, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-420, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner.** If a horse is claimed it may not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim. No horse that has been claimed may return to or remain in the same stable or under the control or management of its former owner or trainer for a period of thirty days from the date of the claim.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-440, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-440, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-450 Claimed horse—Restrictions.** When a horse is claimed at a recognized meeting under rules which conflict with chapter 260-60 WAC, any restrictions concerning the claimed horse will be recognized in Washington to follow the rules of the meeting under which the claim was made.

[Ch. 260-60 WAC p. 3]

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-450, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-450, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-460 Cancellation of claims.** If within thirty days from the running of the race, in which a horse is claimed, the stewards find that a claim was made in violation of the rules of racing the stewards may disallow and cancel any such claim and order the return of the horse and order the return and refund the claim amount. In deciding whether to cancel a claim the stewards will consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-460, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-460, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-470 Rules apply to all races.** These rules apply to all races under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-088, § 260-60-470, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.040. WSR 96-12-008, § 260-60-470, filed 5/23/96, effective 6/23/96.]