

Title 260 WAC

HORSE RACING COMMISSION

Chapters

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Chapter 260-24 WAC

ASSOCIATION OFFICIALS AND EMPLOYEES

WAC

260-24-580 Starter and assistant starters.

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.

- (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, 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 260-34 WAC

DRUG AND ALCOHOL TESTING OF LICENSEES

WAC

260-34-020 Drug and alcohol violations.

WAC 260-34-020 Drug and alcohol violations. No licensee or applicant, while acting in an official capacity or participating directly in horse racing, will commit any of the following violations:

- (1) Be under the influence of or affected by intoxicating liquor and/or drugs, have an alcohol concentration of 0.08 percent or higher, or have within their body any illegal controlled substance while on the grounds of any licensed race meet;
- The alcohol concentration for persons on horseback may not be 0.02 percent or higher.
- (2) Engage in the illegal sale or distribution of alcohol;
 - (3) Engage in the illegal sale or distribution of a controlled substance or possess an illegal controlled substance with intent to deliver;
 - (4) Possess an illegal controlled substance;
 - (5) Possess on the grounds of any licensed race meet any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance; or
 - (6) Refuse to submit to blood, breath and/or urine testing, when notified that such testing is conducted pursuant to the conditions of WAC 260-34-030.

Failure to provide a blood, breath and/or urine sample when directed or intentional contamination of the sample by any person tested for the purpose of preventing accurate analysis of the sample, or other actions with intent to subvert the test, will be considered a refusal to submit to a test.

"Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW. The presence of a controlled substance or drug in any quantity measured by the testing instrument establishes the presence of that substance for the purpose of this section. The fact that a licensee or applicant is or has been entitled to use a drug under the laws of the state of Washington will not constitute a defense against a violation for being under the influence of or affected by intoxicating liquor and/or any drug.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-03-009, § 260-34-020, filed 1/8/09, effective 2/8/09; 07-07-008, § 260-34-020, filed 3/8/07, effective 4/8/07; 06-07-064, § 260-34-020, filed 3/10/06, effective 4/10/06; 05-07-066, § 260-34-020, filed 3/11/05, effective 4/11/05; 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

Chapter 260-36 WAC LICENSES

WAC

260-36-085	License and fingerprint fees.
260-36-220	Industrial insurance premiums—Additional premiums for exercise riders.
260-36-230	Short duration industrial insurance coverage.

WAC 260-36-085 License and fingerprint fees. The following are the license fees for any person actively participating in racing activities:

Apprentice jockey	\$80.00
Assistant trainer	\$38.00
Association employee—management	\$26.00
Association employee—hourly/seasonal	\$16.00
Association volunteer nonpaid	No fee
Authorized agent	\$26.00
Clocker	\$26.00
Exercise rider	\$80.00
Groom	\$26.00
Honorary licensee	\$16.00
Jockey agent	\$80.00
Jockey	\$80.00
Other	\$26.00
Owner	\$80.00
Pony rider	\$80.00
Service employee	\$26.00
Spouse groom	\$26.00
Stable license	\$49.00
Trainer	\$80.00
Vendor	\$122.00
Veterinarian	\$122.00

The license fee for multiple licenses may not exceed \$122.00, 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 (\$80.00), exercise rider (\$80.00), and pony rider (\$80.00). The total license fee for these multiple licenses would only be \$122.00.

Example two - A person applies for the following licenses: Owner (\$80.00), trainer (\$80.00) and exercise rider

(\$80.00). The total cost of the trainer and exercise rider license would be \$122.00. The cost of the owner license (\$80.00) would be added to the maximum cost of multiple licenses (\$122.00) for a total license fee of \$202.00.

Example three - A person applies for the following licenses: Owner (\$80.00), vendor (\$122.00), and exercise rider (\$80.00). The license fees for owner (\$80.00) and vendor (\$122.00) are both added to the license fee for exercise rider (\$80.00) for a total license fee of \$282.00.

In addition to the above fees, except for association volunteers (nonpaid) at Class C race meets, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually per person regardless of whether the person applies for more than one type of license in that year.

The commission will review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 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 260-36-220 Industrial insurance premiums—Additional premiums for exercise riders. (1) At the time of licensing, and as provided in this section, a trainer must pay the annual industrial insurance premiums for exercise riders established by labor and industries, unless exempted under WAC 260-36-240. Coverage will only apply to licensed exercise riders exercising horses for a licensed trainer and for trainers, also licensed as exercise riders, exercising any of the horses in their care. It is the trainer's responsibility to ensure all exercise riders in their employ are properly licensed by the commission.

(2)(a) A trainer at a Class A or B track must pay all required annual industrial insurance premiums for exercise riders equal to the maximum number of horses in training on any given day during the calendar year that the trainer has both on and off the grounds of a racing association.

(b) For horses on the grounds of a Class A or B track, a trainer must count stalls that are occupied by horses (including horses that are sick or injured) under the trainer's care. Premiums will be calculated on the total number of stalls allotted by the racing association, even if the horse is stalled on the grounds for a day or less. (For example, if a trainer comes to Washington to enter or nominate his/her horse in one race and the horse is only on the grounds for one day, the trainer is required to pay the full industrial insurance premium for that one horse.) Stalls assigned to and occupied by pony horses will not be counted.

(c) For horses off the grounds, a trainer must count all horses in training that are subject to being ridden by licensed exercise riders, if the exercise riders are to be covered by the Washington labor and industries insurance under the horse industry account.

(d) If any trainer increases the number of horses in training or racing, either on or off the grounds during the calendar

year, the trainer is responsible to pay the additional premiums as provided in this section.

(e) If any trainer decreases the number of horses in training or racing, either on or off the grounds during the calendar year, the trainer is not entitled to any refund as premiums are annual fees that are not prorated and are assessed on the maximum number of horses in training on any day during the calendar year.

(f) It is the trainer's responsibility to maintain records and accurately report the number of horses in training (both on and off the grounds) for purposes of paying industrial insurance premiums required by this section. Any time during the calendar year if a trainer increases the number of horses in training or racing beyond the premium previously assessed the trainer is responsible for immediately reporting and paying the additional premium owed.

(3)(a) A trainer at a Class C track must pay industrial insurance premiums for exercise riders equal to the maximum number of different horses the trainer starts at the Class C tracks during the calendar year, or the maximum number of horses the trainer has in training, whichever is greater. All trainers at a Class C track are required to pay industrial insurance for at least one horse.

(b) If during the calendar year a horse is started by more than one trainer that horse, for the purpose of calculating the annual industrial insurance premium a trainer is required to pay, will count as a different horse for each trainer.

(c) It is the trainer's responsibility to maintain records and accurately report the number of different horses started or in training for the purpose of paying industrial insurance premiums required in this section. Any time during the calendar year if a trainer increases the number of different horses started or the total number of horses in training beyond the premium previously assessed the trainer is responsible for immediately reporting and paying the additional premium owed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-23-063, § 260-36-220, filed 11/13/09, effective 12/14/09; 08-05-087, § 260-36-220, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-220, filed 12/14/06, effective 1/14/07.]

WAC 260-36-230 Short duration industrial insurance coverage. (1) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage that will reduce the trainer's base premium and the groom and/or assistant trainer slot(s). The reduced premiums for short duration coverage will not apply to the additional premiums required to cover exercise riders as provided in WAC 260-36-220. The following conditions will apply for short duration coverage:

(a) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent for each groom slot or assistant trainer slot obtained (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums established for Class A or B race meets. A trainer may only purchase Class A or B race meet short duration coverage for three seven-day periods per calendar year.

(b) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. The trainer must pay twenty percent of the trainer base premium, and twenty percent of each groom slot or assistant trainer slot obtained (all rounded to the next whole dollar). The base premium used for this calculation will be the industrial insurance premiums established for Class C race meets. A trainer may only purchase Class C race meet short duration coverage for three seven-day periods per calendar year. Class C race meet short duration industrial insurance coverage is not transferable to a Class A or B race meet.

(2) Before short duration coverage will be allowed, a trainer must obtain a license and pay all applicable license and fingerprint fees required in WAC 260-36-085. The trainer is also required to ensure that each groom, assistant trainer, pony rider, and exercise rider hired by the trainer has a proper license. A trainer may only employ persons on the grounds of the racing association who are properly licensed by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-23-063, § 260-36-230, filed 11/13/09, effective 12/14/09; 08-05-087, § 260-36-230, filed 2/15/08, effective 3/17/08. Statutory Authority: [RCW 67.16.020.] 07-01-051, § 260-36-230, filed 12/14/06, effective 1/14/07.]

Chapter 260-40 WAC

ENTRIES, STARTS, NOMINATIONS AND SCRATCHES

WAC

260-40-040	Making entries and nominations.
260-40-100	Performance records.
260-40-155	The effect of wins on eligibility.

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. 09-03-010, § 260-40-040, filed 1/8/09, effective 2/8/09; 07-07-010, § 260-40-040, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 95, 96, filed 4/21/61.]

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

WAC 260-40-155 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 only exception that any horse which has won a race at a recognized race meet may not compete in a maiden race.

(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 and 67.16.040. 09-05-065, § 260-40-155, filed 2/13/09, effective 3/16/09.]

Chapter 260-44 WAC WEIGHTS AND EQUIPMENT

WAC
260-44-150 Horseshoes.

WAC 260-44-150 Horseshoes. (1) A horse starting in a race must be fully shod with racing plates.

(2) During off-track conditions the trainer is required to report any additional traction devices to the board of stewards or designee.

(3) For turf racing, horses must be shod with racing plates approved by the association.

(4) Toe grabs with a height greater than two millimeters, worn on the front shoes of thoroughbred horses while racing or training on any surface or conditions are prohibited.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-03-011, § 260-44-150, filed 1/8/09, effective 2/8/09; 08-01-053, § 260-44-150, filed 12/13/07, effective 1/13/08; 07-07-035, § 260-44-150, filed 3/12/07, effective 4/12/07; 06-07-063, § 260-44-150, filed 3/10/06, effective 4/10/06.]

Chapter 260-49 WAC ADVANCE DEPOSIT WAGERING

WAC
260-49-070 Distribution of source market fee.

WAC 260-49-070 Distribution of source market fee. (1) A source market fee shall be paid monthly, unless otherwise directed by the commission, for the source market fee

area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, unless otherwise directed by the commission, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus fund and breeder award account as provided in RCW 67.16.175.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus fund and breeder award account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-21-015, § 260-49-070, filed 10/9/09, effective 11/9/09; 05-19-015, § 260-49-070, filed 9/9/05, effective 10/10/05. Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-070, filed 10/18/04, effective 11/18/04.]

Chapter 260-60 WAC CLAIMING

WAC
260-60-405 Claiming—Declaring a horse ineligible to be claimed at time of entry.

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:

(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. 09-21-016, § 260-60-405, filed 10/9/09, effective 11/9/09.]

Chapter 260-84 WAC PENALTIES

WAC
260-84-060 Penalty matrixes.
260-84-065 Licensees—Drug and alcohol penalties.

Penalties

260-84-060

WAC 260-84-060 Penalty matrixes. (1) The imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$200 and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$100	\$200	\$300
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$100	\$200	\$300
Violation of any claiming rule in chapter 260-60 WAC	\$200 to \$500 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$75	\$100	\$200
Failure of jockey to report correct weight WAC 260-32-150	\$100	\$200	\$300
Failure of jockey to appear for films WAC 260-24-510	\$50	\$100	\$200
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Jockey easing mount without cause WAC 260-52-040	\$250 and/or suspension	\$500 and/or suspension	\$1000 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	Suspension (riding days) and possible fine		
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	\$200	\$200 to \$300	\$200 to \$500
Arriving late to the paddock or receiving barn WAC 260-28-200	Warning to \$50	\$50 to \$100	\$100 to \$200
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$50	\$50 to \$100	\$100 to \$200
Failure to obtain permission for equipment changes WAC 260-44-010	\$50	\$100	\$200
Failure to report performance records WAC 260-40-100	Warning to \$50	\$100	\$150
Failure to submit gelding report WAC 260-28-295	\$100	\$200	\$300

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$50	\$100	\$200
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$25	\$50	\$100
Failure of jockey to report correct weight WAC 260-32-150	\$25	\$50	\$100
Failure of jockey to appear for films WAC 260-24-510	\$25	\$50	\$100
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Jockey easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	Suspension (riding days) and possible fine		
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	\$100	\$100 to \$200	\$200 to \$300
Arriving late to the paddock WAC 260-28-200	Warning to \$25	\$50	\$100
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$25	\$50	\$100
Failure to obtain permission for equipment change WAC 260-44-010	\$25	\$50	\$100
Failure to report performance records WAC 260-40-100	Warning to \$25	\$50	\$100
Failure to submit gelding report WAC 260-28-295	\$50	\$100	\$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$50	\$100	\$250 and/or suspension
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$200	\$500	\$1000 and/or suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to \$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$50	\$100	\$200
Failure to ride in a safe or prudent manner WAC 260-80-145	\$50	\$100	\$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Use of improper, profane, or indecent language WAC 260-80-130	Warning to \$200	\$200 to \$300	\$300 to \$500
Failure to complete temporary license application within fourteen days WAC 260-36-200	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Failure to register employees with the commission (trainers responsibility) WAC 260-28-230	Warning to \$50	\$100	\$200
Failure to furnish fingerprints WAC 260-36-100	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Nonparticipation - licensing WAC 260-36-080	License canceled		
False application WAC 260-36-050	\$50 to \$250 and/or possible denial, suspension or revocation of license		
Failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-050	Warning to \$100		
Failure to divulge a felony WAC 260-36-050	\$100 to \$250 and/or denial, suspension, or revocation of license		
Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510	\$500 fine and/or denial, suspension or revocation of license		
Failure to pay proper industrial insurance premium(s) WAC 260-36-220 and 260-36-230	In addition to being required to pay the full industrial insurance premium, the trainer will be assessed a fine equal to fifty percent of the premium due		
Failure to pay L&I payment agreement (per contract)	Immediate suspension until premium paid and \$50 fine for each quarter payment is late		
Financial responsibility WAC 260-28-030	Resolution with mutual agreement between the parties - failure to comply with the agreement will result in immediate suspension		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine within 7 days of ruling conference (no extension granted or no request for hearing filed) WAC 260-24-510	Suspension until fine paid		
Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	Immediate ejection from the grounds, 1 year suspension, and mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010	Immediate ejection from the grounds, 1 year suspension, and mandatory referral to commission for revocation		
Failure to wear proper safety equipment WAC 260-12-180 and 260-32-105	\$50	\$100	\$200
Horses shod with improper toe grabs WAC 260-44-150	Horse scratched and \$250 fine to trainer and plater	Horse scratched and \$500 fine to trainer and plater	Horse scratched and \$1000 fine to trainer and plater
Failure to display or possess license badge when in restricted area WAC 260-36-110	\$25	\$50	\$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a). For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year, or revocation.

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the parimutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090, 260-84-100, 260-84-110, 260-84-120, and 260-84-130.

(6) The executive secretary or stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a referral will not preclude commission action in any matter. An executive secretary's or stewards' ruling will not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-05-066, § 260-84-060, filed 2/13/09, effective 3/16/09; 08-05-086, § 260-84-060, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. 07-03-066, § 260-84-060, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-060, filed 3/10/06, effective 4/10/06; 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05. Rules of racing, § 381, filed 4/21/61.]

WAC 260-84-065 Licensees—Drug and alcohol penalties. (1) Engaging in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2).

- (a) First offense - thirty-day suspension; and
- (b) Second or subsequent offense - one-year suspension and referral to the commission for revocation.

(2) Possessing any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance, other than marijuana in violation of WAC 260-34-020(5); or possessing or having within their body while on the grounds of a licensed race meet any illegal controlled substance, in violation of WAC 260-34-020 (1) or (4).

- (a) First offense - thirty-day suspension; and
- (b) Second offense - one-year suspension and referral to the commission for revocation.

(3) Possessing any equipment, products or materials of any kind, which are used or intended for use in ingesting, inhaling or otherwise introducing into the human body mari-

juana, in violation of WAC 260-34-020(5); or possessing or having within their body marijuana, an illegal controlled substance, while on the grounds of any licensed race meet, in violation of WAC 260-34-020(1).

- (a) First offense - three-day suspension;
- (b) Second offense - thirty-day suspension; and
- (c) Third or subsequent offenses - one-year suspension and referral to commission for revocation.

(4) Being under the influence of or affected by intoxicating liquor and/or drugs in violation of WAC 260-34-020(1), excluding persons on horseback.

- (a) First offense - warning to one-day suspension;
- (b) Second offense - three-day suspension;
- (c) Third offense - thirty-day suspension; and
- (d) Subsequent offenses - one-year suspension and referral to commission for revocation.

(5) Being under the influence of or affected by intoxicating liquor and/or drugs, and being on horseback in violation of WAC 260-34-020(1).

- (a) First offense - warning to three-day suspension;
- (b) Second offense - up to a thirty-day suspension; and
- (c) Third offense - up to a one-year suspension and referral to commission for revocation.

(6) Refusing to submit to a drug or alcohol test, in violation of WAC 260-34-020(6) will result in a penalty of a one-year suspension plus referral to the commission for revocation.

(7) Possessing any equipment or material used to manufacture or distribute any controlled substance, or engaging in the sale, manufacturing or distribution of any illegal controlled substance or possessing an illegal controlled substance with intent to deliver on the grounds of any licensed race meet in violation of WAC 260-34-020 (3) or (5), immediate ejection from the grounds, a one-year suspension plus referral to the commission for revocation.

(8)(a) For violations of WAC 260-34-020 (1) and (4), the board of stewards may stay a suspension if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

- (i) Remain in compliance with the rehabilitation and/or treatment program.
- (ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission security investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation

will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards, after a conference, finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this subsection, the board of stewards has discretion to impose the original suspension authorized by this rule. If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(9) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(10) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

(11) Any licensee or applicant who has an alcohol concentration of 0.02 percent or higher while on horseback is prohibited from being on horseback until his/her alcohol concentration is below 0.02 percent.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 09-05-066, § 260-84-065, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 67.16.020. 07-03-066, § 260-84-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. 06-07-058, § 260-84-065, filed 3/10/06, effective 4/10/06.]