

Chapter 260-28 WAC

OWNERSHIPS, TRAINERS AND EMPLOYEES

WAC

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260-28-235 Trainer—Duty to provide employees financial relief from injury. [Statutory Authority: RCW 67.16.020. WSR 10-07-047, § 260-28-235, filed 3/11/10, effective 4/11/10. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-235, filed 3/8/07, effective 4/8/07; Rules of racing, § 425, filed 5/4/66.] Repealed by WSR 12-05-042, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020.
 260-28-250 Trainer—Bribery prohibited. [Rules of racing, § 288, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-260 Trainer—Removing horses from grounds. [Rules of racing, § 289, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-270 Trainer—Employing jockey to prevent riding. [Rules of racing, § 290, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-28-040 Feed and supplies may be bought at open market. [Rules of racing, § 25, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-090 Owner to register horses with racing secretary. [Rules of racing, § 176, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-095 Retirement of a horse. [Statutory Authority: RCW 67.16.020. WSR 12-17-061, § 260-28-095, filed 8/10/12, effective 9/10/12.] Repealed by WSR 13-13-042, filed 6/14/2013, effective 7/15/2013. Statutory Authority: RCW 67.16.020.
 260-28-140 Employment of persons under sixteen. [Rules of racing, § 182, filed 4/21/61.] Repealed by WSR 04-05-092, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
 260-28-150 Registration of stable personnel. [Rules of racing, § 183, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-160 Partnerships. [Rules of racing, §§ 197, 198, 199, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-170 Duty to name jockey upon making entry. [Rules of racing, § 279, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-180 Trainer—Insurer of condition of horse. [Rules of racing, § 280, filed 4/21/61.] Repealed by WSR 07-03-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020.
 260-28-190 Trainer—Authority to represent owner. [Rules of racing, § 281, filed 4/21/61.] Repealed by WSR 07-07-007, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020 and 67.16.040.
 260-28-230 Trainer—Duty to register personnel—Safety equipment. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-230, filed 3/8/07, effective 4/8/07; WSR 06-07-067, § 260-28-230, filed 3/10/06, effective 4/10/06. Statutory Authority: RCW 67.16.040. WSR 00-06-072, § 260-28-230, filed 3/1/00, effective 4/1/00. Rules of racing, § 286, filed 4/21/61.] Repealed by WSR 12-05-042, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020.

WAC 260-28-010 Authorized agent. An authorized agent is a person appointed by an owner or by a stable to act as their agent. Before an authorized agent can act on behalf of the owner or the stable, the agent must be licensed by the commission as an authorized agent. All licensed authorized agents must also file a notarized document signed by the owner or stable manager with the commission verifying their authorization to act as authorized agent along with the scope of their duties. A trainer is not required to be an authorized agent in order to 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 07-07-007, § 260-28-010, filed 3/8/07, effective 4/8/07; Rules of racing, § 32, filed 4/21/61.]

WAC 260-28-020 Stable names—Registration fees and restrictions. Licensed owners and lessees may adopt a stable name subject to the approval of the stewards.

(1) Four or more owners are required to race under a stable name.

(2) The applicant must identify all persons using the stable name. Changes must be reported immediately to the commission.

(3) Application for a stable name must include a designation of a managing owner and an address. Receipt of any correspondence, notice or order at such address will constitute official notice to all persons involved in the ownership of such horse.

(4) All persons with an ownership interest in the stable name must comply with all rules regarding licensing of owners.

(5) A person who has registered a stable name may cancel it upon written notice to the commission.

(6) The stewards will not approve a stable name that has been registered by any other person with any association conducting a recognized race meeting.

(7) When applying for a stable name that may be deemed as being used for advertising purposes, the requestor may be

required to provide documentation from the business or other entity that they have permission to use said name.

(8) A stable name must be clearly distinguishable from other stable names.

[Statutory Authority: RCW 67.16.020. WSR 14-03-057, § 260-28-020, filed 1/13/14, effective 2/13/14. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-020, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.020. WSR 04-24-019, § 260-28-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 80-01-034 (Order 79-06), § 260-28-020, filed 12/17/79; Order 71-9, § 260-28-020, filed 6/2/71; Rules of racing, § 31, filed 3/11/65; subsection (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

WAC 260-28-030 Financial responsibility. (1) A licensee may not willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. A licensee may not falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) A licensee may not write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is grounds for license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-030, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 67.16.040. WSR 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

WAC 260-28-050 Colors—Registration and fees. (1) Racing colors must be registered, and authority for their use approved by a steward. Approval will be made annually when the owner's license is approved.

(2) Colors registered with any racing commission or with the Jockey Club will be honored in Washington and only the registrant will be permitted to use them.

(3) No person may start a horse in racing colors other than those registered in his/her name or stable name. A temporary change of racing colors must first be authorized by the jockey room supervisor.

(4) Any disputes related to racing colors will be decided by the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-050, filed 3/8/07, effective 4/8/07; WSR 82-14-012 (Order 82-05), § 260-28-050, filed 6/25/82; Rules of racing, § 64, filed 4/21/61.]

WAC 260-28-060 Engagements and transfer. (1) When a horse is claimed, any nominations previously made to a stake or any breed association sponsored race for the horse will remain valid.

(2) Nominations, entries or rights of entry remain valid when a horse is sold or claimed, except when the horse is transferred to a person whose license is suspended or who is otherwise disqualified to race or enter the horse, then the nomination will be void as of the date of the transfer.

(3) The death of a nominator to a stake race will not render void any nomination, entry, or right of entry. All rights, privileges and obligations will attach to the legal heir of the decedent or the new owner of the horse.

(4) If a horse is sold or claimed the seller cannot withdraw the horse from any engagements.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-060, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 88 through 92, filed 4/21/61.]

WAC 260-28-070 Ownerships to be filed with commission and racing secretary. Before a horse may start, all persons with an ownership interest in the horse must be disclosed to the commission and racing secretary.

(1) A trainer's entitlement to a percentage of a horse's winnings is not considered an ownership interest.

(2) If ownership changes during the race meet, the new owner must notify the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-070, filed 3/8/07, effective 4/8/07; Rules of racing, § 107, filed 4/21/61.]

WAC 260-28-080 Ownership by corporations, companies, or other organizations. (1) If the legal owner of any horse is a corporation, company, or other organization, each shareholder or member must be licensed.

(2) Each corporation, company, or other organization must disclose to the commission all shareholders or members of the organization.

(3) Corporations, companies, or other organizations must submit an application for a stable license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-080, filed 3/8/07, effective 4/8/07; Order 75-1, § 260-28-080, filed 2/18/75; Rules of racing, § 107(a), filed 4/21/61.]

WAC 260-28-085 Leases. A horse may be raced under a lease if a completed breed registry or other notarized lease form is attached to the certificate of registration and on file with the commission. The lessee must be licensed as the horse owner. If the legal owner of the horse is ineligible for licensing, the lessee will not be licensed.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-085, filed 3/8/07, effective 4/8/07.]

WAC 260-28-100 Change of trainers. If an owner changes trainers, he/she must notify the racing commission within seventy-two hours. This form must be signed by the new trainer acknowledging that he/she accepts responsibility for the horse or horses, and by the previous trainer to release any obligations in connection with the horse or horses.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-100, filed 3/8/07, effective 4/8/07; Rules of racing, § 178, filed 4/21/61.]

WAC 260-28-110 Employment of jockey to prevent riding. An owner or trainer may not employ a jockey for the purpose of preventing the jockey from riding in any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-110, filed 3/8/07, effective 4/8/07; Rules of racing, § 179, filed 4/21/61.]

WAC 260-28-120 Bribes and gratuities. An owner or trainer may not accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or which was intended to influence the result of any race.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-120, filed 3/8/07, effective 4/8/07; Rules of racing, § 180, filed 4/21/61.]

WAC 260-28-130 May not employ unlicensed veterinarian. Owners and trainers will only employ veterinarians who are properly licensed by the Washington state department of health and the commission. Racing associations will use all reasonable efforts to prevent unlicensed veterinarians from practicing on their grounds.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-130, filed 3/8/07, effective 4/8/07; Rules of racing, § 181, filed 4/21/61.]

WAC 260-28-200 Trainer—Paddock duties. (1) A trainer must have his or her horse in the receiving barn or paddock at the time appointed.

(2) A trainer must attend his or her horse in the paddock, and must be present to saddle the horse, unless he/she has obtained the permission of a steward to send another licensed trainer as a substitute.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-089, § 260-28-200, filed 2/15/08, effective 3/17/08; WSR 07-07-007, § 260-28-200, filed 3/8/07, effective 4/8/07; Rules of racing, §§ 282, 283, filed 4/21/61.]

WAC 260-28-210 Trainer—Substitute for absent trainer. If a trainer will be absent from the track where his or her horses are participating in races, the trainer must first obtain a licensed trainer to substitute for him or her during the trainer's absence. The substitute trainer must be approved by

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a steward prior to the original trainer's absence. The original trainer remains the absolute insurer of any horses he or she has entered. Once a substitute trainer has been approved by a steward, the substitute trainer will then become the absolute insurer of any additional horses he or she may enter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-210, filed 3/8/07, effective 4/8/07; Order 4, § 260-28-210, filed 12/24/69; Rules of racing, § 284, filed 4/21/61.]

WAC 260-28-220 Trainer—Duty to register horses with racing secretary. Each trainer must register with the racing secretary all the horses in his or her charge, giving the name, age, sex, breeding and ownership of each horse.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-220, filed 3/8/07, effective 4/8/07; Rules of racing, § 285, filed 4/21/61.]

WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person. A trainer may not have in his or her charge or under his or her supervision any horse owned, in whole or in part, by a disqualified person.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-240, filed 3/8/07, effective 4/8/07; Rules of racing, § 287, filed 4/21/61.]

WAC 260-28-280 Trainer—Reporting sickness of horse. A trainer must immediately report any sickness or illness of any of his or her horses to an official veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 07-07-007, § 260-28-280, filed 3/8/07, effective 4/8/07; Rules of racing, § 291, filed 4/21/61.]

WAC 260-28-290 Trainer—Ownership interest. When participating as a licensed trainer at a race meet, the trainer is responsible for training all horses participating at the race meet that are owned wholly or in part by the trainer. The board of stewards has discretion to permit an exception to this rule only where the trainer has an ownership interest in different breeds of horses participating in the race meet, and seeks permission to have a particular breed trained by someone else.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-07-066, § 260-28-290, filed 3/10/06, effective 4/10/06.]

WAC 260-28-295 Trainer responsibility. The purpose of this section is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well-being of horses in his/her care.

(1) The trainer is responsible for and is the absolute insurer of the condition of the horses entered regardless of the acts of third parties.

(2) The trainer is responsible for the condition of horses in his/her care.

(3) The trainer is responsible for the presence of any prohibited drug, medication, or other prohibited substance, including permitted medication in excess of the maximum allowable concentration, in horses in his/her care. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the

absence of substantial evidence to the contrary, the trainer will be held responsible.

(4) A trainer will prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(5) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(6) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses in his/her care;

(d) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(e) Promptly reporting to the racing secretary and an official veterinarian when a posterior digital neurectomy (heel nerving) is performed on a horse in his/her care and ensuring that such fact is designated on its certificate of registration;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) If a colt or horse has been gelded, promptly submit a completed gelding report to The Jockey Club Office, or report the fact to the racing secretary;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in chapter 260-70 WAC;

(m) Ensuring proper bandages, equipment and shoes;

(n) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so; and

(o) Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

[Statutory Authority: RCW 67.16.020, WSR 12-05-042, § 260-28-295, filed 2/10/12, effective 3/12/12. Statutory Authority: RCW 67.16.020 and 67.16.040, WSR 08-05-090, § 260-28-295, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020, WSR 07-03-065, § 260-28-295, filed 1/16/07, effective 2/16/07.]