



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Horse Racing Commission

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-22-037 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** (Describe Subject) WAC 260-36-220 Industrial premiums for exercise riders WAC 260-84 Penalties

**Hearing location(s):**  
Auburn City Council Chambers  
25 W. Main  
Auburn, WA 98002

Date: February 10, 2012 Time: 9:30 a.m.

**Submit written comments to:**

Name: Douglas L Moore  
Address: 6326 Martin Way, Suite 209  
Olympia, WA 98516-5578  
e-mail [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us)  
fax (360)459-6461 by (date) February 7, 2012

**Assistance for persons with disabilities:** Contact

Patty Sorby by February 7, 2012

TTY (360) 459-6462 or ( ) \_\_\_\_\_

**Date of intended adoption:** February 10, 2012  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Repeals certain sections of L & I explanations and creates a new section with all the Labor and Industries requirements in one place. Address the ability of the commission to allow trainers to pay premiums in installments and penalties as well.

**Reasons supporting proposal:** Labor and Industries requirements were located throughout the WAC's in different sections, this makes it easier for stakeholders to search for the requirements in one section. Also, addresses the commission's ability to allow trainers to pay premiums in installments.

**Statutory authority for adoption:** RCW 67.16.020

**Statute being implemented:**

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 21, 2011**

**TIME: 8:37 AM**

**WSR 12-01-101**

**DATE**  
December 21, 2012

**NAME** (type or print)  
Douglas L Moore

**SIGNATURE**  
*Douglas L Moore*

**TITLE**  
Deputy Secretary

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Douglas L Moore	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Implementation.... Robert J Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Enforcement..... Robert J Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared. Not applicable

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: Not applicable

AMENDATORY SECTION (Amending WSR 08-05-090, filed 2/15/08, effective 3/17/08)

**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 any person employed by him/her is properly licensed to perform the duties assigned.~~) Ensuring that all the trainer's employees wear a safety helmet and safety vest while on horseback, in compliance with WAC 260-12-180.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-28-230	Trainer--Duty to register personnel--Safety equipment.
WAC 260-28-235	Trainer--Duty to provide employees financial relief from injury.

NEW SECTION

**WAC 260-36-250 Industrial insurance.** (1) At the time of submitting a license application, or as provided in this section, all trainers must pay the industrial insurance premium assessment required by RCW 67.16.300 and 51.16.210 for each person in their employment. The industrial insurance premiums will be based on the type of race meet the trainer is licensed to participate at and the type of license the employee is licensed as. All the trainer's employees must be properly licensed by the commission before being allowed to work. If a trainer releases an employee from employment, the trainer must notify the stewards within forty-eight hours.

(2) Class A, B, and C race meet.

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

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

(c) The trainer's base premium, covers all licensed pony riders employed by the trainer, and excludes assistant trainers, grooms and exercise riders.

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

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

A trainer with a Class C license is ineligible to obtain Class A or B short duration coverage.

(3) Grooms and assistant trainers.

(a) At the time of licensing, or as provided in this section, a trainer must pay the annual industrial insurance premiums for grooms and assistant trainers established by labor and industries, unless exempted under reciprocal agreement outlined in subsection

(7) of this section. Coverage will only apply to licensed grooms and assistant trainers working for the trainer, and excludes pony riders, and exercise riders employed by the trainer. In addition, a spouse groom is exempt from coverage requirements. A trainer is responsible for accurately reporting all grooms and assistant trainers in the trainer's employ. If a trainer releases any employee from employment, the trainer must notify the stewards within forty-eight hours. It is the trainer's responsibility to ensure all grooms and assistant trainers in their employ are properly licensed by the commission. (See also WAC 260-36-060 (1)(a).)

(b) A trainer must purchase a separate groom premium for the maximum number of grooms and/or assistant trainers hired at any one time. Prior to hiring a groom or assistant trainer, the trainer must ensure that a vacant groom/assistant trainer slot is available prior to allowing the groom or assistant trainer to work.

(4) Horse premiums - Exercise riders.

(a) At the time of licensing, or as provided in this section, a trainer must pay the annual industrial insurance premiums for all horses in training which covers exercise riders established by labor and industries unless exempted under reciprocal agreement outlined in subsection (7) of this section. 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 and excludes grooms, assistant trainers and pony riders. All trainers at a Class A or B track are required to pay an industrial insurance premium for at least one horse. It is the trainer's responsibility to ensure all exercise riders in their employ are properly licensed by the commission.

(b) A trainer at a Class A or B track must pay all required annual industrial insurance premiums equal to the maximum number of horses in training on any given day, which covers exercise riders, during the calendar year that the trainer has both on and off the grounds of a racing association. A trainer is responsible for accurately reporting all horses as they enter and leave the grounds of a racing association and all horses in training off the grounds.

(c) For horses on the grounds of a Class A or B track, a trainer must count each horse under the trainer's care. Premiums will be calculated on the maximum number of horses in the trainer's care on any one day, 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, except for short duration coverage as provided in subsection (4) of this section.) Pony horses will not be counted.

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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. If at any time during the calendar year 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.

(d) A trainer at a Class C track must pay industrial insurance premiums which covers 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.

(i) 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.

(ii) 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. If at any time during the calendar year 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.

(5) Short duration coverage.

(a) Trainers entering horses to run in Washington races will be allowed to obtain short duration industrial insurance coverage that will reduce the amount of industrial insurance premium a trainer has to pay to provide employees financial relief from injury. Short duration coverage may be purchased no sooner than seven days prior to the start of the live race meet where the trainer plans to run. The following conditions will apply for short duration coverage:

(i) Trainers who ship in to Class A or B race meets may purchase short duration industrial insurance coverage for thirty consecutive calendar days. Trainers who have purchased any annual coverage at Class A or B race meets including paying installment premiums are not eligible for short duration coverage. Thirty-day short duration coverage can be purchased for each trainer's base coverage. Separate thirty-day short duration coverage can be purchased for each groom, and/or assistant trainer and separate coverage can be purchased for each horse on the grounds, which

cover the exercise rider. The premium for thirty-day coverage will be set by the department of labor and industries (rounded to the next whole dollar). A trainer may only purchase Class A or B race meet short duration coverage for three thirty-day periods per calendar year. If a trainer extends coverage for more than three thirty-day periods, the trainer will owe the annual premium for each groom and assistant trainer, and the annual premium for exercise rides (based on all horses on the grounds during the previous ninety-day coverage period). The premium owed for coverage extending past ninety days will be the annual premium, less what the trainer may have already purchased for each risk class.

(ii) Trainers who ship in to Class C race meets may purchase short duration industrial insurance coverage for seven consecutive calendar days. Seven-day short duration coverage can be purchased for each trainer's base premium. Separate seven-day short duration coverage can be purchased for each groom and assistant trainer. The premium for seven-day short duration coverage will be set by the department of labor and industries (rounded to the next whole dollar). 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.

(b) When applying for short duration coverage, 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. Prior to the end of each short duration coverage period a trainer must pay the short duration premium for any additional grooms, or assistant trainers (slots) and any additional horses brought on the grounds of a Class A or B race meet, or any additional horses started in a race at Class C race meets.

(c) Short duration coverage is only valid for the thirty-day period for Class A and B race meets or the seven-day period for Class C race meets and only covers workers while in the state of Washington.

(6) Installment program.

(a) As provided in subsections (1) through (4) of this section a trainer, at the time of licensing must pay the annual industrial insurance premiums for all employees, including assistant trainers and grooms, as well as premiums for horses in training to cover the exercise riders, and pony riders. However, a trainer may pay the annual industrial insurance premiums in installments as long as the horsemen's representative, through an agreement with the commission, agrees to assume financial responsibility and pay to the commission any delinquent industrial insurance premiums owed by trainers at the end of the racing season.

(b) A trainer who chooses to pay industrial insurance premiums in installments is obligated to make all installment payments of the annual industrial insurance premiums on the dates set annually

by the executive secretary.

(i) The number of installment payments and percentages of each payment will be determined by the horsemen's representative and the executive secretary.

(ii) After the initial installment premium payment, if the trainer adds additional groom slots, assistant trainer slots, or owes additional horse premiums to cover exercise riders, the trainer must make a payment equal to all previous installments owed.

(c) Once a trainer makes an initial payment of industrial insurance, the trainer is responsible for the full annual premium. The total amount of premium owed will be considered undisputed under WAC 260-28-030, and failure to make any or all of the additional premium payments will be considered a violation. The board of stewards or executive secretary will have the authority to take action to collect the unpaid premium, including issuing a fine and suspending the trainer's license until the premium and fines are paid as provided in WAC 260-84-135.

(7) Reciprocal agreements. The state of Washington has reciprocal agreements with other states. Trainers shipping in from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12.120 and WAC 296-17-31009.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-36-220	Industrial insurance premiums-- Additional premiums for exercise riders.
WAC 260-36-230	Short duration industrial insurance coverage.
WAC 260-36-240	Industrial insurance coverage-- Reciprocal agreements.

AMENDATORY SECTION (Amending WSR 11-03-053, filed 1/14/11, effective 2/14/11)

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

<b>Class A and B Licensed Facilities</b>			
	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	\$500 and/or suspension (riding days)	Suspension (riding days)	
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		

<b>Class A and B Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
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
Trainer failure to report proper identity of horses in their care WAC 260-28-295	\$50	\$100	\$200
Failure to submit gelding report WAC 260-28-295	\$100	\$200	\$300

<b>Class C Licensed Facilities</b>			
	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
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

<b>Class C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$500 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	\$100 to \$500 and/or suspension (riding days)		
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	\$50	\$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

<b>Class A, B and C Licensed Facilities</b>			
	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	Warning	\$50	\$50 - subsequent offenses \$50 plus possible suspensions

<b>Class A, B and C Licensed Facilities</b>			
	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		
Pending felony charges or conviction - ineligible for licensing WAC 260-36-120(2)	Denial, suspension or revocation of license		
Failure to divulge a felony conviction WAC 260-36-050	\$100 to \$250		
False information or failure to provide accurate and complete information on application WAC 260-36-050	Warning to \$250		
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		
<del>((Failure to pay proper industrial insurance premium(s) WAC 260-36-220 and 260-36-230</del>	<del>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 total premium</del>		
<del>Failure to pay L&amp;I payment agreement (per contract)</del>	<del>Immediate suspension until premium paid and \$50 fine for each quarter payment is late))</del>		
Financial responsibility WAC 260-28-030	Suspension of license until debt is satisfied (suspension may be stayed with a mutual payment agreement and licensee remains compliant with agreement)		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine when due (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 and permanent 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 and permanent revocation		

<b>Class A, B and C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
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 within the calendar year, absent mitigating circumstances. The stewards may impose more stringent penalties if aggravating circumstances exist. 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).

(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.

NEW SECTION

**WAC 260-84-135 Penalties relating to industrial insurance.**

For licensees who fail to report correct industrial insurance requirements (number of persons in their employ and the number of horses in their care), the following penalties will be assessed:

(1) Failure to report correct number of horses in training will result in a fine of fifty percent of the premium owed and full payment of premium.

(2) Failure to report proper identification of horses entering or leaving the stable area will result in a fine of fifty dollars.

(3) Failure to report the correct number of employees (grooms and assistant trainers) will result in a fine of fifty percent of the premium owed and full payment of premium.

(4) Failure to pay industrial insurance premium payment required under WAC 260-36-250 will result in a fine of one hundred dollars if payment is not received on or prior to the dates required. If the payment is not received within two days of the due date, the trainer's license will be suspended until the premium and fine are received by the commission.