



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(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 12-17-064 ; 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) or 34.05.330(1).                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** (Describe Subject) WAC 260-24-580 Starter and assistant starters

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

Date: January 11, 2013 Time: 9:30 a.m.

**Date of intended adoption:** January 11, 2013  
 (Note: This is NOT the effective date)

**Submit written comments to:**  
 Name: Douglas L Moore  
 Address: 6326 Martin Way Suite 209  
 Olympia, WA 98516-5578  
 e-mail [doug.moore@whrc.state.wa.us](mailto:doug.moore@whrc.state.wa.us)  
 fax (360) 459-6461 by (date) January 8, 2013

**Assistance for persons with disabilities:** Contact  
 Patty Sorby by January 8, 2013  
 TTY (360) 459-6462 or ( ) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Requires assistant starters to wear safety helmets in the performance of their duties.

**Reasons supporting proposal:** To avoid head injuries to assistant starters who work in close quarters with thoroughbreds in and around the starting gate.

**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:

**DATE**  
11/28/2012

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

**SIGNATURE** *Douglas L Moore*

**TITLE**  
Deputy Secretary

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 STATE OF WASHINGTON  
 FILED

**DATE:** November 28, 2012

**TIME:** 8:29 AM

**WSR 12-24-019**

**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 or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal 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 10-05-064, filed 2/12/10, effective 3/15/10)

**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.

All assistant starters, and anyone appointed by the starter to act as a substitute assistant starter, must wear a securely fastened safety vests and helmets, which meet~~((s the shock-absorbing protection required))~~ the standards in WAC 260-12-180~~((+2))~~ (1) and (2), at all times when performing their duties.

(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.