



# 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 11-20-031 ; 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 260-12-010 Definitions

**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:** Updates and adds new terminology used by the industry that is or will be included in the WAC's.

**Reasons supporting proposal:** Defines any new language or terms used in the Title 260 WAC.

**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

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: November 28, 2012**

**TIME: 8:32 AM**

**WSR 12-24-022**

**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 10-09-012, filed 4/9/10, effective 5/10/10)

**WAC 260-12-010 Definitions.** The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent." A person appointed by a written document signed by the owner with authority to act for the owner.

(7) "Assistant trainer." A person employed by a licensed trainer whom has the authority to represent the trainer in all racing matters. An assistant trainer may also perform all the duties of a groom.

(8) "Association." Any person or persons, associations, or corporations licensed by the commission to conduct parimutuel wagering on a race meet.

(9) "Association employee." Any person hired by a racing association.

~~((+8))~~ (10) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

~~((+9))~~ (11) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(12) "Barn superintendent." An association employee who is responsible to assign stalls and maintain records of number of horses in a trainer's care on a daily basis.

~~((+10))~~ (13) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

~~((+11))~~ (14) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

~~((12))~~ (15) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

~~((13))~~ (16) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

~~((14))~~ (17) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(18) "Cheek pieces." Two pieces of sheepskin or other material which are attached to the cheek pieces of a bridle which may restrict vision.

~~((15))~~ (19) "Claiming." The act of buying a horse out of a race for a specific price.

~~((16))~~ (20) "Claim box." A box in a specified location where a claim must be deposited to be valid.

~~((17))~~ (21) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

~~((18))~~ (22) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

~~((19))~~ (23) "Clocker." An official that times horses when horses are performing an official workout.

~~((20))~~ (24) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

~~((21))~~ (25) "Colt." Male horse under the age of five.

~~((22))~~ (26) "Commission."

(a) The five-member commission established by RCW 67.16.012;  
or

(b) The state agency known as the Washington horse racing commission.

~~((23))~~ (27) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

~~((24))~~ (28) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

~~((25))~~ (29) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

~~((26))~~ (30) "Dead heat." Two or more horses in an exact tie at the finish line.

~~((27))~~ (31) "Denial." The refusal to grant an applicant a license after the applicant has made application for a license, but prior to the individual performing the duties associated with the license.

~~((28))~~ (32) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

~~((29))~~ (33) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

~~((30))~~ (34) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

~~((31))~~ (35) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

~~((32))~~ (36) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

~~((33))~~ (37) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising. Exercise riders working at a race track must be licensed as "Exercise rider - track," while those working at the farm or training centers must be licensed as "Exercise rider - farm" if the trainer wishes to provide their employee industrial insurance coverage under the horse industry account.

~~((34))~~ (38) "Field." The total horses scheduled to run in a race.

~~((35))~~ (39) "Filly." A female horse four years and younger.

~~((36))~~ (40) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

~~((37))~~ (41) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

~~((38))~~ (42) "Furosemide." Generic term for a medication used for the treatment of bleeders.

~~((39))~~ (43) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

~~((40))~~ (44) "Gelding." A male horse that has been castrated.

~~((41))~~ (45) "Groom." A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

~~((42))~~ (46) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

~~((43))~~ (47) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

~~((44))~~ (48) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

~~((45))~~ (49) "Intact male." Any male horse, colt, or ridgling.

~~((46))~~ (50) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

~~((47))~~ (51) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

~~((48))~~ (52) "Jockey fee." The money paid to a jockey for riding in a race.

~~((49))~~ (53) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

~~((50))~~ (54) "Mare." A female horse five years old or older.

((+51+)) (55) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

((+52+)) (56) "Morning line." A handicapper's approximate odds quoted in the program.

((+53+)) (57) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

((+54+)) (58) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

((+55+)) (59) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

((+56+)) (60) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

((+57+)) (61) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

((+58+)) (62) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

((+59+)) (63) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

((+60+)) (64) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

((+61+)) (65) "Overnight race." A contest for which entries close at a time set by the racing secretary.

((+62+)) (66) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

((+63+)) (67) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

((+64+)) (68) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

((+65+)) (69) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

((+66+)) (70) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

((+67+)) (71) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

((+68+)) (72) "Pick n." A type of wager requiring the patron to select the winners of a specified number of consecutive races.

~~((+69+))~~ (73) "Pick three." A type of wager requiring the patron to select the winners of three consecutive races.

~~((+70+))~~ (74) "Place." To finish second in a race.

~~((+71+))~~ (75) "Poles." Markers positioned around the track indicating the distance to the finish line.

(76) "Pony rider." A person licensed by the commission to escort horses either in the morning during training or in the afternoon during racing. A pony rider may not exercise horses. Pony riders working at a race track must be licensed as "Pony rider - track," while those working at the farm or training centers must be licensed as "Pony rider - farm" if the trainer wishes to provide their employee industrial insurance coverage under the horse industry account.

~~((+72+))~~ (77) "Post." The starting position on the track.

~~((+73+))~~ (78) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

~~((+74+))~~ (79) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

~~((+75+))~~ (80) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

(81) "Program/paper trainer." A licensed trainer who, solely for the purposes of the official race program, is identified as the trainer of a horse that is actually under the control of and trained by another person who may or may not hold a current trainer's license.

~~((+76+))~~ (82) "Purse." The amount of prize money offered by the racing association for each race.

~~((+77+))~~ (83) "Protest." A complaint filed regarding a horse running in a race that is filed in writing with the board of stewards.

~~((+78+))~~ (84) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

~~((+79+))~~ (85) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

~~((+80+))~~ (86) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

~~((+81+))~~ (87) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

~~((+82+))~~ (88) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

~~((+83+))~~ (89) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

(90) "Retired horse." A horse that at the time of sale or gift is no longer fit to race. No retired horse is eligible to run in a race under the jurisdiction of the commission.

~~((+84+))~~ (91) "Revocation." The cancellation of an existing license for a minimum of three hundred sixty-five days and up to an indefinite period of time (e.g., life-time). Individuals revoked are ineligible for a license during the period of revocation. Individuals revoked are banned from all facilities under the

jurisdiction of the commission during the period of their revocation.

~~((85))~~ (92) "Ridgling." A male horse with one or both testicles undescended.

~~((86))~~ (93) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

~~((87))~~ (94) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

~~((88))~~ (95) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

~~((89))~~ (96) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

~~((90))~~ (97) "Show." To finish third in a race.

~~((91))~~ (98) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

(99) "Spouse groom." The spouse of a trainer, licensed by the commission and permitted to perform all the duties of a groom, but is not extended industrial insurance coverage under the horse industry account.

~~((92))~~ (100) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

~~((93))~~ (101) "Stallion." A male horse or colt which can be used for breeding purposes.

~~((94))~~ (102) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

~~((95))~~ (103) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

~~((96))~~ (104) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

~~((97))~~ (105) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

~~((98))~~ (106) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

~~((99))~~ (107) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

~~((100))~~ (108) "Suspension." The temporary loss of license privileges for a specific period of time (not to exceed three

hundred sixty-five days), or until specific conditions are met. All suspensions for a specific period of time will be in calendar days; with the exception of riding suspensions, which will be race days. Individuals suspended may be banned from all facilities under the jurisdiction of the commission during the period of their suspension.

~~((101))~~ (109) "Test barn." The enclosure to which selected horses are taken for post race testing.

~~((102))~~ (110) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

(111) "Trainer." A person who holds a valid trainer's license who has a horse eligible to race under his/her care, custody, or control at the time of entry.

~~((103))~~ (112) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

~~((104))~~ (113) "Turf course." A racing surface comprised of grass.

~~((105))~~ (114) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

~~((106))~~ (115) "Walk over." A race that has only one participant.

~~((107))~~ (116) "Washington bred." A horse that was foaled in the state of Washington.

(117) "Washington race track." A race track licensed and regulated by the commission during the track's licensed race meet and periods of training.

~~((108))~~ (118) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

~~((109))~~ (119) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

~~((110))~~ (120) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

~~((111))~~ (121) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.