



# 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 12-09-038 ; 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 260-32-400 Jockey agents – powers and duties

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

Date: March 8, 2013 Time: 9:30 a.m.

**Date of intended adoption:** March 8, 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) March 6, 2013

**Assistance for persons with disabilities:** Contact  
Patty Sorby by March 6, 2013  
TTY (360) 459-6462 or ( ) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Allows jockey agents to participate as owners with certain restrictions.

**Reasons supporting proposal:** Requested and supported by stakeholders.

**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**  
2/1/2013

**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:** February 01, 2013

**TIME:** 8:26 AM

**WSR 13-04-049**

**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 06-07-065, filed 3/10/06, effective 4/10/06)

**WAC 260-32-400 Powers and duties.** (1) Each jockey agent (~~shall~~) must be licensed by the commission.

(2) (~~No~~) A jockey agent (~~shall~~) may be the owner or trainer of (~~any~~) a horse under the following conditions:

(a) A jockey agent may only enter one horse that they have an ownership interest in for any overnight race.

(b) A jockey agent may not claim a horse.

(c) A jockey whom the jockey agent represents must ride the horse, unless approved by the stewards, or no other jockey that the jockey agent represents may compete against the horse.

(3) A jockey agent may represent up to three jockeys.

(4) No jockey agent shall make or assist in making any engagement for any rider other than those he is licensed to represent, without prior approval of the board of stewards, which may be granted for a temporary time period not to exceed ten days.

(5) If a jockey agent is absent for a period of more than ten days, the jockey will be required to engage another jockey agent.

(6) Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him of the riders he is representing. This record must be kept up to date and held ready at all times for the inspection by the stewards.

(7) If any jockey agent gives up the making of engagements for any rider, he/she shall immediately notify the stewards, and he/she shall also turn over to the stewards a list of any unfilled engagements he/she may have made for that rider. A jockey agent may not drop a rider without notifying the board of stewards in writing. The stewards will decide all rival claims for the services of a rider. Jockey agents who fail to honor commitments made are subject to disciplinary action.