



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Horse Racing Commission

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** Adopts language into the WAC's to address the 123Racing Pick (n) Wager Pools

**Citation of existing rules affected by this order:**

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:** RCW 67.16.020

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 13-12-063 on June 4, 2013

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

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

**Date adopted:** August 9, 2013

**NAME (TYPE OR PRINT)**

Douglas L Moore

**SIGNATURE**

**TITLE**

Executive Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 12, 2013**

**TIME: 8:36 AM**

**WSR 13-17-024**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>1</u>	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	1	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	1	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	1	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 260-48-945 123racing pick (n) wager pools.** (1) The 123racing pick (n) wager is a separate multileg parimutuel pool wager established by the association on a designated number of races. The gross pool consists of the total amount wagered for the multiple race bet. Winning wagers are determined by the highest points totals earned after all legs of the wager have been completed, based on cumulative mythical win, place, and show wager (an across the board wager), on one betting interest per wagering race. It is not a parlay and has no connection with or relation to other pools conducted by the association other than the utilization of live race payouts as a means of calculating players' fantasy points.

Example: (a) Horse A finishes first and pays \$6.00 for the win, \$5.60 for show, and \$2.20 for place. The total points accumulated are 6.00 + 5.60 + 2.20 for a total of 13.80 points.

(b) Horse B finishes second and pays \$15.60 for the place, and \$4.80 for show. The total points accumulated are 15.60 + 4.80 for a total of 20.40 points.

(c) Horse C finishes third and pays \$2.10 for the show. The total points accumulated are 2.10.

(2) A valid 123racing pick (n) wager ticket shall be evidence of a binding contract between the holder of the ticket and the association, and shall constitute an acceptance of 123racing pick (n) wager provisions and rules contained in this section.

(3) A 123racing pick (n) wager may be given a distinctive name by the association conducting the meeting, subject to the commission or executive secretaries approval, and existing licenses, copyrights, and/or patents.

(4) 123racing pick (n) wagers shall be conducted as follows:

(a) One wager requires a predetermined unit stake to be wagered into the gross pool and the selection of one betting interest per wagering race.

(b) "n" represents the number of races that complete the wager and will vary as determined by the host racing association, but shall include no less than four races.

(c) Each leg of the 123racing pick (n) wager consists of a mythical win, place, and show wager on one betting interest per race of the same unit stake as wagered into the gross pool. For example if the unit stake for the 123racing pick (n) is \$2, each leg of the 123racing pick (n) wager consists of a mythical \$2 win, place, and show wager (a \$2 across the board wager) on one betting interest per race. An individual may place any number of separate 123racing pick (n) wagers into a pool.

(d) If a ticket has multiple selections in the same race, only the selection with the highest total points will be accumulated towards the 123racing pick (n) wager.

(e) Official program numbers must be used for all wagers. All players are responsible for ensuring each wager is placed correctly.

(f) Live race payouts are used to calculate players' point totals.

(g) Each player's points will be reflected in their cumulative points total at the end of each race.

(h) Following a race being declared "official," the actual parimutuel pool payout for the mythical across the board wager will be translated to points and added to a player's cumulative points total.

(i) Of the bettors, the player(s) with the highest points total after the last leg is/are the "winner(s)."

(j) The net parimutuel pool is distributed to the bettors scoring the highest scores of all players in the pool by a predetermined method in accordance with subsection (12) of this section.

(5) A selection on a coupled entry or field is considered a selection on the remaining part of the coupled entry or field as determined by the rules of the live corresponding race.

(6) If a selection in any race designates a betting interest that was scratched, excused, or determined by the stewards to be a nonstarter in the race, the selection will be on the actual post-time favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that race. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number.

(7) Points for dead heats will be determined by the payouts of the live corresponding race.

(8) The takeout and its distribution for the 123racing pick (n) wager shall be set and approved by the host regulatory commission, but shall include the distribution of the negotiated proprietary fee.

(9) All tickets shall be refunded if all races comprising the 123racing pick (n) wager are canceled or declared as no contest. The entire pool shall be refunded if less than four races are completed and if four or more races are completed the net pool shall be distributed pursuant to subsection (11) of this section.

(10) After wagering closes on the first race comprising the 123racing pick (n) wager, the pool shall be deemed closed and no entry ticket shall be sold, exchanged, or canceled. No person shall be determined to hold a winning 123racing pick (n) wager ticket until the last designated race has been declared official.

(11) In accordance with the following provisions, the association shall distribute the net pool to the holders of valid tickets that correctly selected the combination of first, second, and/or third place finishers that generated the highest point totals through the designated races/rounds comprising the 123racing pick (n) wager as follows:

(a) 123racing pick (n) with second and third minor pools with predetermined percentages: The major share of the net amount in the 123racing pick (n) parimutuel pool subject to distribution among winning ticket holders shall be distributed to the holder of the parimutuel ticket with the wager that has the highest points total after all races have been completed. The second minor share of the 123racing pick (n) pool shall be distributed to the holder of the parimutuel ticket with the wager that has the second highest point total after all races have been completed, and the third minor share shall be distributed to the holder of the parimutuel ticket with the wager that has the third highest point total after all races have been completed.

(b) If there are two parimutuel wagers that equal the highest point total after all races have been completed, the major and second minor shares of the net amount in the parimutuel pool subject to distribution shall be distributed to those ticket holders. The third minor share of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of parimutuel tickets with wagers which have the third highest point total after all races have been completed.

(c) If there are three or more parimutuel wagers that equal the highest points total after all races have been completed, one hundred percent of the net amount in the parimutuel pool subject to distribution shall be distributed to those ticket holders.

(d) If one parimutuel ticket wager scores the highest points total, and two or more parimutuel ticket wagers equal the second highest point total after all races have been completed, the major share of the net amount in the parimutuel pool subject to distribution shall be distributed to the highest scoring ticket holder, and the second and third minor shares of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of parimutuel tickets which have the second highest points totals after all races have been completed.

(e) If one parimutuel ticket wager scores the highest points total, one parimutuel ticket wager scores the second highest points total, and two or more parimutuel ticket wagers score the third highest points total after all races have been completed, then the major share of the net amount in the parimutuel pool subject to distribution shall be distributed to the highest scoring ticket holder, the second minor share of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed to the second highest scoring ticket holder, and the third minor share of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of parimutuel tickets which have the third highest points total.

Examples: The wagers with the highest total accumulated points after all 123racing pick (n) wager races are completed will share in the net pool eligible for distribution among winning ticket holders as follows:

## **Payout Example**

### **Sample Payouts**

Total wagers:	10,000
Wager denomination:	\$2.00
Pot size:	\$20,000.00
Parimutuel payout:	\$16,060.00 (assumes 19.7% "take-out")

### **Finishing Leaderboard Position Payout Share % of Net Pool**

Major pool share		
1st	\$9,636.00	60.00%
Secondary minor pool share		
2nd	\$4,818.00	30.00%
Third minor pool share		
3rd	\$1,606.00	10.00%
Total Payout	\$16,060.00	100.00%

(f) With the written approval of the commission, the association may contribute to the net amount of the 123racing pick (n) wager parimutuel pool subject to distribution.

(12) Should circumstances occur which are not addressed by these rules, questions arising thereby shall be resolved in accordance with general parimutuel practice. Decisions regarding distribution of the 123racing pick (n) pool made by the stewards shall be final.

(13) In the event that no points are awarded to any tickets, the net pool for that day will carry over to the next race day as part of the total net pool.