



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: January 14, 2019

TIME: 8:59 AM

WSR 19-03-075

**Agency:** Washington Horse Racing Commission

**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:** To prepare the agency for the Jockey Club's move from physical tattoo to micro chipping and electronic registration papers...

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

New:

Repealed:

Amended: WAC 260-12-010 WAC 260-24-520

Suspended:

**Statutory authority for adoption:** RCW 67.16.020

**Other authority:**

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

Adopted under notice filed as WSR 18-24-037 on November 28, 2018 (date).

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:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>2</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>2</u>	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	<u>2</u>	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** January 11, 2019

**Name:** Douglas L Moore

**Title:** Executive Secretary

**Signature:**



**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 five pound weight allowance given to an apprentice jockey.

(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.

(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.

(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.

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

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

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

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

(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.

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

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

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

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

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

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

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

(26) "Commission."

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

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

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

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

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

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

(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.

(32) "Digital tattoo." A microchip, or other unique identifier, which is implanted or affixed to a horse and is noted on the registration papers.

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

~~((33))~~ (34) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

~~((34))~~ (35) "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.

~~((35))~~ (36) "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.

~~((36))~~ (37) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

~~((37))~~ (38) "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.

~~((38))~~ (39) "Field." The total horses scheduled to run in a race.

~~((39))~~ (40) "Filly." A female horse four years and younger.

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

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

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

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

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

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

((46)) (47) "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.

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

((48)) (49) "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.

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

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

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

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

((53)) (54) "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.

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

((55)) (56) "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.

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

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

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

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

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

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

((62)) (63) "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.

((+63+)) (64) "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.

((+64+)) (65) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

((+65+)) (66) "Overnight race." A contest for which entries close at a time set by the racing secretary.

((+66+)) (67) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

((+67+)) (68) "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.

((+68+)) (69) "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.

((+69+)) (70) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

((+70+)) (71) "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.

((+71+)) (72) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

((+72+)) (73) "Pick n." A type of wager requiring the patron to select the winners of a specified number of consecutive races.

((+73+)) (74) "Pick three." A type of wager requiring the patron to select the winners of three consecutive races.

((+74+)) (75) "Place." To finish second in a race.

((+75+)) (76) "Poles." Markers positioned around the track indicating the distance to the finish line.

((+76+)) (77) "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.

((+77+)) (78) "Post." The starting position on the track.

((+78+)) (79) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

((+79+)) (80) "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.

((+80+)) (81) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

((+81+)) (82) "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.

((+82+)) (83) "Purse." The amount of prize money offered by the racing association for each race.

((+83+)) (84) "Protest." A complaint filed regarding a horse running in a race that is filed in writing with the board of stewards.

((+84+)) (85) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

((+85+)) (86) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

((+86+)) (87) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

((+87+)) (88) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

((+88+)) (89) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

((+89+)) (90) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

((+90+)) (91) "Registration certificate." A certificate issued by a breed specific organization, either hard copy or digital, identifying the individual horse.

(92) "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.

((+91+)) (93) "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.

((+92+)) (94) "Ridgling." A male horse with one or both testicles undescended.

((+93+)) (95) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

((+94+)) (96) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

((+95+)) (97) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

((+96+)) (98) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

((+97+)) (99) "Show." To finish third in a race.

((+98+)) (100) "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+)) (101) "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.

((+100+)) (102) "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.

((+101+)) (103) "Stallion." A male horse or colt which can be used for breeding purposes.

((+102+)) (104) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

((103)) (105) "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.

((104)) (106) "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.

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

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

((107)) (109) "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.

((108)) (110) "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.

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

((110)) (112) "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)) (113) "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.

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

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

((114)) (116) "Vendor." Any individual or business which offers a product or service in the restricted area of the grounds.

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

((116)) (118) "Walk over." A race that has only one participant.

((117)) (119) "Washington bred." A horse that was foaled in the state of Washington.

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

((119)) (121) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

((120)) (122) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

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

((122)) (124) "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.

**WAC 260-24-520 Racing secretary.** The racing secretary is responsible for the following duties:

- (1) Programming of races during the race meet;
- (2) Compiling and publishing condition books;
- (3) Assigning weights for handicap races;
- (4) Receiving all entries, nominations, and scratches;
- (5) Supervising the racing office employees, including the assistant racing secretary;

(6)(a) Receiving, inspecting, and safeguarding all required foal and health certificates, Equine Infectious Anemia (EIA) test certificates, and other documents of eligibility for all horses competing at the track or stabled on the grounds;

(b) Effective January 1, 2020, the racing secretary shall ensure that the registration certificates for all thoroughbred horses entered to race that were foaled in 2018 or later have a digital tattoo. The digital tattoo shall indicate that the thoroughbred racing protective bureau has confirmed the identity of the horse and uploaded digital photographs to the breed registry database;

(7) Recording the alteration of the sex of a horse on the horse's ((foal papers)) registration certificates and reporting such to the appropriate breed registry and past performance services;

(8) Recording on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse;

(9) Maintaining a list of heel nerved horses on association grounds and making the list available for inspection by persons participating in the race meet;

(10) Maintaining a list of all fillies or mares on association grounds that have been covered by a stallion, and making this list available for inspection by persons participating in the race meet. This list will include the name of the stallion;

(11) Assigning stalls to be occupied by horses in preparation for racing;

(12) Determining conflicting claims of stable privileges and maintaining a record of arrivals and departures of all horses arriving and departing the association grounds;

(13) Establishing the conditions and eligibility for entering races and publishing the conditions and eligibility to owners, trainers, and the commission. Conditions and eligibility will also be posted in the racing secretary's office.

(a) For the purpose of establishing conditions, winnings will be considered to include all moneys won up to the time of the start of the race;

(b) Winnings during the calendar year will be calculated by the racing secretary from the preceding January 1st;

(14) Entries of horses, which will include:

(a) Examining all entry blanks to verify correct information; and

(b) Selecting the horses to start and the "also eligible" horses, if any, from those entries received in accordance with WAC 260-52-020;

(15) Upon completion of the draw each day, posting a list of entries in a conspicuous location in the race office and making the lists available upon request;

(16) Publishing the official daily program and ensuring the accuracy of the following information:

- (a) Sequence of races to be run and post time for the first race;
- (b) Purse, conditions and distance for each race, and current track record for each distance;
- (c) The name of licensed owners of each horse (indicate as leased, if applicable), and the description of racing colors to be carried;
- (d) The name of the trainer and the name of the jockey for each horse together with the weight to be carried;
- (e) The post position and the saddlecloth number or designation for each horse if there is a variance with the saddlecloth designation;
- (f) Identification of each horse by name, color, sex, age, sire and dam; and
- (g) Any other information that may be requested by the association or commission;
- (17) Update the foal certificates on all winners to reflect type of race won and amount of purse money awarded;
- (18) Accurately record on the foal certificates any transfer of ownership of horses, by either claim or bill of sale, to reflect true ownership of horse;
- (19) Examining nominations received for early closing events, late closing events, and stakes events to verify the eligibility of all nominations and compile lists for publication;
- (20) Maintaining the permanent records of all stakes and verifying that all entrance moneys due are paid prior to entry for races conducted at the race meet.