



# PROPOSED RULE MAKING

**CR-102 (December 2017)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 04, 2021  
TIME: 8:42 AM  
**WSR 21-20-103**

**Agency:** Washington Horse Racing Commission

**X Original Notice**

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

**X Preproposal Statement of Inquiry was filed as WSR 21-13-015 ; or**

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) WAC 260-48-915 Quinfecta pools with carryover.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
November 12, 2021	9:30 a.m.	Via Zoom Teleconference	Link will be available at <a href="http://www.whrc.wa.gov">www.whrc.wa.gov</a> prior to hearing

**Date of intended adoption:** December 13, 2021 (Note: This is NOT the effective date)

**Submit written comments to:**

Name: Douglas L Moore

Address: 6326 Martin Way Suite 209 Olympia, WA 98516

Email: doug.moore@whrc.state.wa.us

Fax: 360-549-6461

Other:

By (date) November 1, 2021

**Assistance for persons with disabilities:**

Contact Melanie Bowdish

Phone: 360-459-6462

Fax: 360-459-6461

TTY:

Email: melanie.bowdish@whrc.state.wa.us

Other:

By (date) November 1, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To amend current rules to reflect industry standard terminology

**Reasons supporting proposal:** Quinfectorias are called Pentfectas in all other jurisdictions, no other changes made to calculations or carryover requirements.

**Statutory authority for adoption:** 67.16.020

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?

Yes    No

Federal Court Decision?

Yes    No

State Court Decision?

Yes    No

If yes, CITATION:

**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	360-459-6462
Implementation:	Douglas L Moore	6326 Martin Way Suite 209 Olympia WA 98516	360-459-6462
Enforcement:	Douglas L Moore	6326 Martin Way Suite 209 Olympia WA 98516	360-459-6462

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

Yes    No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**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:  
TTY:  
Email:  
Other:

X No: Please explain:

## **Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |   |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

### **COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

X No      Briefly summarize the agency's analysis showing how costs were calculated. Not business related

Yes      Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

Date: October 4, 2021	Signature: 
Name: Douglas L Moore	
Title: Executive Secretary	

**WAC 260-48-915 ((Quinfecta)) Pentafecta pools with carryover.**

(1) The ((quinfecta)) pentafecta requires selection of the first five finishers in their exact order, for a single race.

(2) The net ((quinfecta)) pentafecta pool will be distributed as a single price pool to those who selected the first five finishers in exact order based on the official order of finish. If there are no such wagers, then the net ((quinfecta)) pentafecta pool will be carried forward to the next ((quinfecta)) pentafecta performance as a carryover or added to an existing carryover.

(3) If less than five betting interests finish the race and the race is declared official, the entire ((quinfecta)) pentafecta pool for that performance will be refunded.

(4) If, due to a late scratch or a participant is declared a non-starter, and this causes the number of betting interest in the ((quinfecta)) pentafecta pool to be reduced to fewer than five, the entire ((quinfecta)) pentafecta pool for that performance will be refunded.

(5) If the ((quinfecta)) pentafecta contest is canceled or declared "no contest," the entire ((quinfecta)) pentafecta pool for that performance will be refunded.

(6) If horses representing the same betting interest finish in the first five positions, the ((quinfecta)) pentafecta pool will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(7) If there is a dead heat for first involving:

(a) Horses representing five or more betting interests, all of the wagering combinations selecting five betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, irrespective of order, along with the fifth-place betting interest will share in a profit split.

(c) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place and fifth-place betting interests will share in a profit split.

(d) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place, fourth-place and fifth-place betting interests will share in a profit split.

(8) If there is a dead heat for second involving:

(a) Horses representing four or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the four or more betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations correctly selecting the winner, the three dead-heated betting interests, irrespective of order, and the fifth-place betting interests will share in a profit split.

(c) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated

betting interests, irrespective of order, and the fourth-place and fifth-place betting interests will share in a profit split.

(9) If there is a dead heat for third involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner, the second-place betting interest, and the three or more dead-heated betting interests will share in a profit split.

(b) Horses representing two betting interests, all the wagering combinations correctly selecting the winner, the second-place betting interest, the two dead-heated betting interests, irrespective of order and the fifth-place betting interest will share in a profit split.

(10) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth will share in a profit split.

(11) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(12) ((Quinfecta)) Pentafecta wagering is prohibited on any race in which there is more than one mutuel field, except with written permission of the board of stewards.

(13) Mandatory distribution of the carryover. The ((quinfecta)) pentafecta carryover will be designated for a change in distribution on a specified date and performance under the following circumstances:

(a) Upon approval from the board of stewards. If the designated date of the race for the mandatory distribution is during the race meet and the carryover pool is not distributed, the ((quinfecta)) pentafecta wager must be offered on a subsequent race until the carryover pool is distributed. A written request must contain the following information:

- (i) The reason and justification for the change.
- (ii) The date of the proposed distribution.

(b) On the closing performance of the meet.

(14) If the ((quinfecta)) pentafecta pool and any carryover are approved for distribution, the net ((quinfecta)) pentafecta pool and carryover, if any, will be distributed as a single price pool to winning wagers based upon the official order of finish.

(a) As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first four betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(e) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(f) The entire net pool will be refunded on ((quinfecta)) pentafecta wagers for that race and the carryover, if any, will be held over to a ((quinfecta)) pentafecta pool of the subsequent meet.

(15) If, for any reason, the ((quinfesta)) pentafecta carryover must be held over to the corresponding ((quinfesta)) pentafecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The ((quinfesta)) pentafecta carryover plus accrued interest will then be added to the net ((quinfesta)) pentafecta pool of the following meet on a date and performance approved by the board of stewards.