

**Chapter 260-72 WAC
COMMUNICATIONS TO AND FROM GROUNDS**

Last Update: 2/14/05

WAC

260-72-020 Transmission of race results.
260-72-040 Transmission of simulcast signal to account wagering facility.
260-72-050 Use of personal communication devices on the grounds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-72-010 Communication systems, commission approval required—Closure during racing. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. WSR 86-21-081 (Resolution No. 86-04), § 260-72-010, filed 10/16/86; Rules of racing, § 384, filed 4/21/61.] Repealed by WSR 03-13-073, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.020.

260-72-030 Transmission or broadcast of information relating to feature races. [Rules of racing, § 386, filed 4/21/61.] Repealed by WSR 04-21-053, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.020.

WAC 260-72-020 Transmission of race results. A class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

[Statutory Authority: RCW 67.16.020. WSR 04-21-053, § 260-72-020, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. WSR 00-20-029, § 260-72-020, filed 9/27/00, effective 10/28/00; WSR 94-04-003, § 260-72-020, filed 1/20/94, effective 2/20/94; Rules of racing, § 385, filed 4/21/61.]

WAC 260-72-040 Transmission of simulcast signal to account wagering facility. (1) A class 1 racing association may transmit simulcasts of live horse races conducted at its racetrack to an account wagering facility only in accordance with this section, RCW 67.16.200(4), and the interstate horse racing act, 15 U.S.C. Sections 3001 to 3007. In this section, "class 1 racing association" or "association" means the same as in RCW 67.16.200(7).

(2) In this section, "account wagering facility" or "facility" means a business, other than a racing association, that

(a) Facilitates parimutuel wagering on horse races it simulcasts;
(b) Is conducted outside the state of Washington; and
(c) Is licensed or otherwise permitted by law in the state in which it is located.

(3) To transmit a simulcast signal under this section, an association must file an application on a form provided by the commission at least fifteen days before the first simulcast race covered by the application. The executive secretary may approve a request to simulcast under this section, subject to rescission of the approval by the commission within sixty days. The application must include at a minimum:

(a) A copy of the written contract or agreement between the class 1 association and the account wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(b) Written approval from the horsemen's association representing the majority of owners and trainers racing at the class 1 racing association;

(c) Written approval from the appropriate regulatory authority in the state where the account wagering facility is located;

(d) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and for the protection of the public; and

(e) Dates of the live race meet for which the application is being made.

(4) The written agreement between the class 1 racing association and the account wagering facility must contain substantially the following terms:

(a) A specific description of the fee structure and fees to be paid to the association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law, including any wager originating in the state of Washington unless affirmatively permitted by Washington law;

(c) The executive secretary may require the association to submit additional information if he or she determines the additional information is necessary for the commission to effectively evaluate the application;

(d) Approval of an application under this section shall be in effect from the date of approval through the close of the live race meet for which the application is made, unless rescinded by the commission under subsection (3);

(e) The commission's approval of a specific application under this section is not binding on the commission as to any other application.

(5) In determining whether to approve an application under this section, the commission shall consider the following factors:

(a) The impacts on all Washington racing associations, Washington horsemen, and the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts described in WAC 260-72-040 (3)(d) and contained in the application sufficient to ensure the integrity of all operations and financial transactions under the agreement; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

(6) No class 1 racing association shall enter a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(7) Every class 1 racing association approved to transmit a simulcast signal under this section shall file with the commission a monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

[Statutory Authority: RCW 67.16.040. WSR 03-07-058, § 260-72-040, filed 3/14/03, effective 4/14/03.]

WAC 260-72-050 Use of personal communication devices on the grounds. (1) The use of personal communication devices is not allowed

by any licensee, except with prior approval or in the case of an emergency, in the jockey's quarters thirty minutes prior to the first live race and until the final live race on the card is official.

(2) No licensee shall use a personal communication device while on horseback on the racing surface, during live racing, except with permission of the board of stewards.

(3) The use of audible personal communication devices shall be prohibited in the saddling enclosure of the paddock, the receiving barn, and test barn when horses are present. These devices are permitted, but when carried in these areas these devices shall be turned off or set to a silent mode.

[Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 05-05-045, § 260-72-050, filed 2/14/05, effective 3/17/05.]