

**CHAPTER 193. PARI-MUTUEL WAGERING AND TICKETS—  
TEMPORARY REGULATIONS**

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**§ 193.1. Pari-mutuel wagering.**

(a) All licensed racing entities shall use a pari-mutuel ticket machine for the sale of pari-mutuel tickets, unless otherwise authorized by the Commission. All licensed racing entities or other approved entities shall be required to use totalisator systems licensed by the Commission.

(1) No electronic calculator may be deemed one of approved design unless it is capable of registering by automatic electronic or mechanical means on central aggregators all wagers made on each horse, entry, or the field, in each of the straight, place and show pools, and displaying the totals so registered in a way as to permit ready tabulation thereof by the representative of the Commission.

(b) The controls necessary to operate the Odds Board in the infield, relative to the way the horses finish, (if the finish is being contested, if there is a photo, dead-heat, time of race) are to be located in the Judges or Stewards' stand and controlled only by the Judges or Stewards.

**§ 193.2. Sale of pari-mutuel tickets.**

(a) The method of generating and selling pari-mutuel tickets by licensed racing entities or other approved entities shall be approved by the Commission.

(b) Bookmaking or wagering other than pari-mutuel wagering is strictly prohibited.

(c) No minor shall be allowed to wager.

(d) All wagering shall stop and all pari-mutuel machines shall be locked on post time or the actual start of all races, whichever shall first occur. These

machines shall be automatically locked by the control of the Starter or by the Judges or Stewards as either case shall require in each race.

(e) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race has finished.

(f) No pari-mutuel ticket shall be sold for less than \$2 except with specific approval by the Commission.

(g) The Manager of the Pari-Mutuel Department shall be properly and timely advised by the Judges or Stewards prior to the beginning of wagering on each race, of the horses that will compete in the race and any changes from those listed in the official program.

(h) If less than six interests qualify horses to start in a race, the Manager of the Pari-Mutuel Department, with the consent of the representative of the Commission, may prohibit Show wagering on that race.

(i) If less than five interests qualify horses to start in a race, the Manager, with the consent of the representative of the Commission, may prohibit both Place and Show wagering on that race.

(j) If less than three interests qualify horses to start in a race, the Manager, with the consent of the representative of the Commission may prohibit wagering on the race.

(k) The Manager, with the consent of the representative of the Commission, may prohibit wagering on any particular horse or entry in any race. The consent shall be sought by the Manager of the Pari-Mutuel Department from the representative of the Commission after the entries are closed on the day previous to that during which the races in which exclusions are desired are to be conducted. The exclusions, if consented to by the representative of the Commission, shall be clearly indicated on the program or score card and horses excluded shall be numbered so as to in no way infer that they are coupled in the field. Horses once excluded from the wagering shall remain excluded during the day or race in which they are scheduled to start.

(l) Coupled entries in Daily Double, Twin Double, or Perfecta races shall be allowed as provided in the Commission's regulations.

(m) When one or more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one less than the total number of post positions on the infield tote board shall be grouped in the wagering as the field.

(n) A refund cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before said horse has become a Starter in the race under the provisions of this part.

(o) No claims or assertions of any nature relating to any way to any alleged defect, misprint, or other form of error or mistake in the printing, imprinting, sale, or issuance of any pari-mutuel ticket will be entertained or allowed after the purchaser has left his place at the selling window. The act of removal from the sell-

ing window by any purchaser shall be conclusively deemed to be an acceptance of a ticket as actually printed and issued and to be an intentional, knowing waiver of any and all defects, mistakes, or errors thereon. Verification of the accuracy of all these tickets shall be the responsibility of the purchasers thereof.

(p) No person shall present or cause any pari-mutuel ticket to be presented or processed in return for payment of any commission, premium, discount, or other consideration of any nature other than the authorized pool payment to be distributed in full to the owner or owners thereof.

### § 193.3. Payments.

(a) Unless otherwise approved by the Commission, payments due on all wagers shall be made in conformity with the well-established practice and procedures of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full, plus the profits. In all cases of a winning mutuel pool, each licensed racing entity must redistribute not less than \$2.20 on each \$2 wager, except that in a race in which there is a minus pool, the licensed racing entity must distribute \$2.10 on each \$2 wager.

(b) Payments on all winning pari-mutuel tickets and tickets refundable according to rules shall be made only on presentation and surrender of the appropriate ticket. Mutilated tickets and those whose validity are questioned shall be submitted to the Commission for inspection and approval before payment.

(c) At the end of each race, the Placing Judges or other racing official shall advise the Manager of the Pari-mutuel Department and the representative of the Commission in writing of the official placement of the horses.

(d) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders of the place tickets on that horse, if any, otherwise, holders of the show tickets.

(e) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(f) If no money has been wagered to show on a horse which has placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

(g) In the event that only two horses finish in a race, the show pool shall be figured the same as the place pool and the moneys apportioned to the holders of show tickets on the two finishing horses. In the event only one horse finishes in a race, all three pools shall be figured separately as straight pools and all the moneys shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(h) If two horses finish in a dead heat for first place, the money in the win mutuel pool is divided between the two dead-heaters according to their proportionate shares in the pool.

(i) If two horses finish in a dead heat for second place, the division is made as follows: there shall be allotted to the pool of the winner of the race one-half of the place pool and the two dead-heaters one-half each of the remaining half of the place pool.

(j) If two horses coupled in the betting as an "entry" or "the field" finish first and second, first and third or second and third, the division of the net show pool shall be as follows: two-thirds of the net show pool shall be allotted to the pool of the entry and the balance one-third to the other horse.

(k) In the event that one horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half of the net show pool shall be allotted to the pool of the entry, one-third to the horse finishing first or second, and one-sixth to the horse finishing in the dead heat with the entry for third.

(l) If the entry or field horses should finish first, second and third, then the entire money in each pool goes to the entry or field tickets, no other tickets participating.

(m) If an error is made in posting pay off figures on the public board and no payments have been made, it shall be corrected promptly and a statement explaining the facts made over the public address system forthwith. In the event of an error resulting in overpayment, any payments already made shall be deemed final and the recipients shall be entitled to retain the same. In the event of an error in calculations which results in an under payment and payments have already been made the amount of the under payment shall be promptly ascertained and confirmed by the Commission. Upon the confirmation, the under payment shall be transferred to the next corresponding pool on the racing program of the same day. In the event the amount of the under payment cannot be ascertained and confirmed before the conclusion of the racing program of the day, the under payment shall be escrowed by the Association and distributed in the pools of all races on the daily program next run. No deferred redistribution of any under payment shall be undertaken without prior consent of the Commission. Under payments shall be promptly and fully reported to the Commission. An under payment not distributed or un-distributable prior to the end of a meet shall be held in trust and transferred into the next corresponding pool of the next race meeting of the licensed racing entity in question.

(n) All winning pari-mutuel tickets must be presented for payment before April 1st of the year following the year of their purchase and failure to present any ticket within the prescribed period of time shall constitute a waiver of the right to participate in the award or dividend. After April 1st of the year following the year of their purchase, all licensees shall forward to the State Treasurer all

funds so held for the uncashed tickets. The Commission shall be notified by the licensee of the amounts so forwarded.

(o) No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment.

(p) No person acting alone or in concert with any other party or entity shall deface, alter, change, or attempt to duplicate or reproduce any pari-mutuel ticket or attempt to effect a defacement, alteration, change, duplication or reproduction nor shall any person or persons in any manner attempt to present or negotiate any ticket for payment however or whenever the same may have been defaced, altered, changed, reproduced or duplicated.

(q) No claims for a pari-mutuel ticket which the holder alleges he has lost or claims for a pari-mutuel ticket which is not in the possession of the holder, shall be considered for payment by a licensed racing entity or by the Commission.

#### **§ 193.4. Daily Double.**

(a) No Daily Double shall be conducted without permission of the Commission. There shall be no exchange of Daily Double tickets after the purchase thereof, all tickets on the Daily Double will be calculated in an entirely separate pool.

(b) To win a Daily Double, it is necessary for the purchaser of a Daily Double ticket to select the winners of each of the two races specified for the double. If either of his selections fails to win, his contract is void, except as hereafter provided.

(c) All tickets will be to win (Straight) only. Horses designated and listed as the "Field," race as one horse in the Daily Double. If two or more horses in a race are listed as "Field" on the same totalisator ticket, there shall be no refunds, unless all the horses so listed are excused before "off" time.

(d) Selections are to be made of one horse for each of two races in the Daily Double by "Tote" program numbers.

(e) If no ticket is sold combining the two winners of the Daily Double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the Daily Double and those having tickets including the winner in the second race of the Daily Double in the same manner in which a Place Pool is calculated and distributed.

(f) If no ticket is sold on the winner of the first race of the Daily Double on any combination, the entire pool is apportioned to the holder of tickets on the winner of the second race of the Daily Double. Likewise, if no ticket is sold on the winner of the second race of the Daily Double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the Daily Double.

(g) If a dead heat to win should result in either the first or second race of the Daily Double, the total pool is calculated as a place pool. In case of a dead heat

for the winner of the first race of the Daily Double, the posting of payoff prices will be made after winner of second race of the Daily Double is Official.

(h) If no ticket is sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing second in each of the two contests, but if there are no wagers, then the entire pool shall be refunded on Double wagers for those contests.

(i) In the event any horse or horses in the first half of the Daily Double should be excused by the racing officials after the horses shall have left the paddock for the post, or after the betting on the Daily Double has been closed, or should any horse or horses in the first half of the Daily Double be prevented from racing because of failure of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the Daily Double Pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(1) Should any horse or horses be scratched, excused by the racing officials or prevented from racing because of the failure of the starting gate to open in the last half of the Daily Double, all tickets combining the horse or horses with the winner of the first race of the Daily Double shall become consolation tickets and shall be paid a price per dollar bet determined as follows: the net Daily Double Pool (the gross Daily Double Pool less tax) shall be divided by the total purchase price of all Daily Double tickets designating the winner of the first half of the Daily Double and the quotient attained shall constitute the price to be paid. The total amount payable on consolation tickets shall be deducted from the net Daily Double Pool.

(j) The possible payoff prices shall be posted or announced to the public before the start of the last race of the Daily Double, and as soon as possible after the horses in the race of the last half of the Daily Double have entered upon the track on the way to the post.

(k) In case the second half of the Daily Double is not raced due to rain, or for any other cause, the entire pool shall be apportioned and paid, less commission, to the holders of tickets on the winner of the first race of the Daily Double.

(1) If a Daily Double is scheduled to be held, subsections (a)—(k) inclusive of this Rule shall be printed on the day's racing program and notice printed on said program as follows: "Retain your tickets until the result of the Daily Double has been posted."

### § 193.5. Perfecta (Exacta).

(a) No Perfecta (Exacta) wagering shall be conducted without permission of the Commission. The races in which Perfecta (Exacta) type pari-mutuel wagering will be permitted shall only be those designated by the Commission and separate pools shall be established therefor.

(b) To win a Perfecta (Exacta), it is necessary for the purchaser of a Perfecta (Exacta) ticket to select in order the horse declared the winner and the horse

declared to have placed in the race in which Perfecta (Exacta) type wagering is permitted. If either of the selections made by the purchaser fails to be declared to have finished in the position designated by the purchaser when purchasing the Perfecta (Exacta) ticket, then the contract is void except as hereinafter provided.

(c) Should there be a dead heat to win in a Perfecta (Exacta) race, holders of tickets combining those two horses in either order will share in the Perfecta (Exacta) payoff. Should there be a dead heat for place, holders of tickets combining the horse declared the winner with either of the horses declared to have finished in the dead heat for place shall share in the Perfecta (Exacta) payoff. In both of the aforementioned instances, the net pool shall be distributed and calculated in the same manner as a Place Pool.

(d) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second, but if there are no wagers on one of those two finishers, then

(1) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence, but if there are no wagers, then

(i) The entire pool shall be refunded on Exacta wagers for that contest.

(e) In the event a horse or horses in the Perfecta (Exacta) should be excused by the racing officials after the horses have left the paddock for the post, or after the betting on the Perfecta (Exacta) has been closed, or should a horse or horses in the Perfecta (Exacta) be prevented from racing because of failure of the starting gate to open, the money wagered on the horse or horses so excused or prevented from racing shall be deducted from the Perfecta (Exacta) Pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(f) In the event only one horse finishes the race and is declared the winner, the net pool shall be distributed to holders of Perfecta (Exacta) tickets designating to win the horse declared the winner.

(g) "Fields" are permitted in a Perfecta (Exacta) race. If two or more horses in a Perfecta (Exacta) race are listed as the "Field" on totalisator tickets they shall be counted as a single selection for determining the order of finish. In the event two field entries finish in first and second place, only the one finishing first shall be deemed a winning entry for Perfecta (Exacta) purposes and the next closest non-field entry shall be deemed the second place finisher for Perfecta (Exacta) wagers. There shall be no refunds for field entries, unless all the horses listed in the field are excused before "off" time.

### **§ 193.6. Quiniela.**

(a) No Quiniela wagering shall be conducted without prior permission of the Commission. The races in which Quiniela-type pari-mutuel wagering will be permitted shall only be those designated by the Commission and separate pools shall be established therefor.

(b) The principle of a Quiniela is, in effect, a contract by the purchaser of a Quiniela ticket to select the first two horses to finish in a race. The order in which the horses finish is immaterial. The Quiniela is not a "parlay" and has no connection with or relation to win, place or show betting, and will be calculated in an entirely separate pool.

(c) In cases of a dead heat between the two horses for first place, the combination shall be the winner of the Quiniela pool.

(d) In case of a dead heat between two horses for second place, the pool shall be figured as a Place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

(e) In case of a dead heat for second place, and no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(f) If no ticket is sold on the winning combination of a Quiniela pool, the net pool shall be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second, in the same manner in which a place pool is calculated.

(g) If no ticket is sold that would require distribution of a Quiniela pool to a winner as above defined, the licensee shall make a complete and full refund of the Quiniela pool.

(h) In case of a scratch in a Quiniela race, the patron holding a ticket on the scratched horse will receive a refund.

### § 193.7. Trifecta.

(a) No trifecta wagering may be conducted without permission of the Commission. The only races in which "trifecta" type pari-mutuel wagering is permitted, are those races designated by the Commission and a separate pool is established therefor.

(b) The trifecta is a form of pari-mutuel wagering in a single race in which the bettor selects a ticket combining in exact finishing order, as officially posted the first, second and third place winner.

(c) The trifecta is not a parlay and except as set forth in this section, has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(d) Trifecta tickets shall be sold in at least \$2 denominations or in denominations as from time to time are approved by the Commission.

(e) If no ticket is sold on the winning combination of a trifecta pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner. If less than three horses finish, the payoff will be made to holders of tickets selecting the finishing horses in order, ignoring the balance of the selection.

(f) If no ticket is sold that would require distribution of the trifecta pool to a winner defined in this section, the licensee shall make a complete and full refund of the Trifecta Pool.

(g) In the event of a dead heat or dead heats, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool by dividing the net trifecta pool by the total purchase price of winning tickets.

(h) In the event of a scratch in the trifecta no exchanges will be made. All tickets which include the scratched horse are eliminated from further participation in the trifecta pool and will be refunded.

(i) Coupled entries and fields are allowed in trifecta races as set forth in the Commission's regulations.

(j) Trifecta tickets shall be sold only by the licensed racing entity or other approved entity. Resale of these tickets from one individual to another is prohibited and shall be grounds for ejection.

(k) Each licensed racing entity shall print in heavy type in a conspicuous place in its daily printed program all the provisions of this section and post printed copies of this section about the track in places as it deems available.

### **§ 193.8. Refunds.**

(a) Any ruling of the Judges or Stewards or the Commission with regard to the award of purse money made after the sign "official" has been purposely displayed shall have no bearing on the pari-mutuel payoff.

(b) In all cases when a horse has been excused by a racing official after wagering has started, but before the horses shall have actually started, all money wagered on the horse so excused shall be deducted from the pool and refunded.

(c) If two or more horses in a race are coupled on the same pari-mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before the actual start.

(d) In the case of a race being declared off or postponed to another day by the Stewards after the wagering has begun, all money wagered in that race shall be refunded.

### **§ 193.9. Information required by Commission and Department of Revenue.**

The officers and employees of the licensed racing entity shall promptly give the Department of Revenue and the Commission the information as they may request from time to time and shall fully cooperate with them in every way.

**§ 193.10. Record of unpaid tickets.**

An itemized record of all unpaid winning pari-mutuel tickets shall be prepared and a complete record thereof, including total, forwarded to the Commission and the Department of Revenue in a timely manner, if requested.

**§ 193.11. Report of handle and attendance.**

On a monthly basis, the licensed racing entity or other approved entity shall provide to the Commission, a report including the following: handle of each race, amount in each pool, Daily Double handle, total daily handle and attendance.

**§ 193.12. Test of equipment.**

All licensed racing entities or other approved entities shall have a test, by actual operation, of the pari-mutuel equipment before the opening of each meeting or prior to beginning operations, which shall be approved by a representative of this Commission.

**§ 193.13. Personnel.**

- (a) A list of the personnel of the Pari-Mutuel Department shall be submitted to the Commission for its approval as requested by the Commission.
- (b) If requested by the Commission, a copy of the Pari-Mutuel Department payroll shall be submitted to the Commission and shall be accompanied by a statement sworn to by the manager of the Pari-Mutuel Department attesting to the report's accuracy.

**§ 193.14. Odds board.**

A licensee shall provide a sign, approved by the Commission upon which shall be displayed, the approximate straight odds on each horse in a race, the value of a \$2 winning pari-mutuel ticket, straight, place or show on the first three horses in the race; the elapsed time of the race; the value of a \$2 winning daily double ticket; the total amount wagered on each horse and each pool and other information that the Commission may deem necessary.

**§ 193.15. Creation of new betting pools.**

- (a) A licensed racing entity seeking to offer new forms of wagering, such as "pick (x)," "instant racing pools," "mix and match" or other similar type pools for its patrons must first apply in writing to the Commission and receive written approval prior to implementing the new betting pool.
- (b) For each new betting pool, the licensed racing entity shall provide the rules associated with the betting pool, including:
  - (1) description of the game; how to wager;
  - (2) take out rates and payout calculations;
  - (3) wager amounts;

- (4) coupled entry and mutuel fields and dead heat rules;
  - (4) carryover provisions, if applicable;
  - (5) other conditions and requirements of the betting game.
- (c) A licensed racing entity which seeks to terminate a previously approved betting game/pool shall provide a notice to the Commission 30 days prior to terminating the game/pool.

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