

CHAPTER 7873
MINNESOTA RACING COMMISSION
HORSE RACING; PARI-MUTUEL RULES

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7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A Class B or D licensee may apply for approval of pari-mutuel pools by submitting an original and 15 copies of the following:

- A. a signed request for approval of pari-mutuel pools;
- B. a statement of the precise nature and extent of the pools requested, including type of betting and placement in racing programs;
- C. a detailed statement of how the request meets each of the criteria in part 7873.0110, subpart 2; and
- D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all other Class B and D licensees. The notice must include a brief description of the request, a statement that all licensees wishing to comment may do so in writing within seven days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

C. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a licensee submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

D. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ten nor later than 45 days after filing of the application.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and licensees who submitted written comments the reasons for its action.

Subp. 3. **Motion of commission.** The commission on its own motion may designate pari-mutuel pools as provided in Minnesota Statutes, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 15 SR 2307; 19 SR 2307*

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7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. **Request.** Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of multiple pools in racing programs, and other issues related to pari-mutuel pools which promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

- A. the integrity of the licensee;
- B. the financial strength of the licensee;
- C. the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;
- D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

- E. the licensee's market, including area, population, and demographics;
- F. the performance of the racetrack with previously approved pari-mutuel pools;
- G. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;
- H. the quantity and quality of economic activity and employment generated;
- I. state tax revenues from racing and related economic activity;
- J. the entertainment and recreation opportunities for Minnesota citizens;
- K. the variety of racing;
- L. the quality of racing;
- M. the availability and quality of horses;
- N. the development of horse racing;
- O. the quality of racetrack facilities;
- P. security;
- Q. purses;
- R. benefits to Minnesota breeders and horse owners;
- S. competition among racetracks and with other providers of entertainment and recreation as well as its effects;
- T. the social effects;
- U. community and government support;
- V. sentiment of horsepersons; and
- W. any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six pool, the director of pari-mutuel racing or the commission's director of pari-mutuels must consult with the commission's executive committee.

Subp. 4. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in any pari-mutuel pool. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket designating the official winners in the pool.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 14 SR 2008; 15 SR 2307; 16 SR 1800; 19 SR 2307; 26 SR 1438*

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7873.0120 PARI-MUTUEL BETTING.

Subpart 1. **Deficiencies.** In the event there is insufficient money available in a net pari-mutuel pool to return \$2.10 on each winning \$2 wager or \$1.05 on each winning \$1 wager, the association conducting the pari-mutuel betting shall pay the deficiency from the gross breakage amount of the pools involved in the race.

Subp. 2. **Telecasts.** A licensee may, with the approval of the commission, transmit telecasts of races the licensee conducts for wagering purposes to a location outside the state. The commission may allow the licensee to commingle its wagering pools with the wagering pools at a facility located outside of this state that is regulated by a state racing commission or pari-mutuel regulatory board, when it transmits telecasts under this subpart.

Statutory Authority: *MS s 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 14 SR 2008; 16 SR 1800; 20 SR 2592; 24 SR 1568*

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7873.0125 CALCULATION OF PAYOFFS.

Subpart 1. **No money wagered on horse to win.** If a horse wins and there is no money wagered on it to win, the win pool shall be apportioned among the holders of place tickets on that horse, if any; otherwise among holders of the show tickets on that horse.

Subp. 2. **No money wagered on horse to place.** 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.

Subp. 3. **No money wagered on horse to show.** 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.

Subp. 4. **Failure of horses to finish in pools.** If only two horses finish in any one race, the show pool shall be figured the same as the place pool and the money apportioned to holders of show tickets on the two finishing horses. If only one horse finishes in any one race, all three pools shall be figured separately as straight holders of the finishing horse. If no horse finishes the race, then the entire amount wagered in all pools shall be refunded to all ticket holders.

Subp. 5. **Dead heats.** If two horses finish in a dead heat for:

- A. first, the payoff price shall be figured as in a place pool;
- B. second, the winner of the race receives its half share of the profits in that pool, and each of the two horses that dead heats for second receives one-half of the remaining half of the profits; or
- C. third, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third, each receives one-half of the remaining third of the profits.

Subp. 6. **Coupled entry finishing in the money.** 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 remaining one-third to the other horse.

Subp. 7. **Coupled entry in dead heat finishing in the money.** If one horse of an entry or field finishes first or second and the other part of the same 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 pool to the entry, one-third to the other first or second place finisher, and one-sixth to the horse finishing in the dead heat.

Subp. 8. **Field or entry finishing first, second, and third.** If the coupled entry or field horses finishes first, second, and third, the money in each pool goes to the entry or field tickets, no other tickets participating.

Subp. 9. **Underpayments or overpayments.** In the event that an error occurs in the calculation of payoff amounts for pari-mutuel wagers which are cashed or entitled to be cashed and, as a result causes overpayments or underpayments to occur, the mutuel department will notify the commission and follow up the notification with the appropriate reports. Underpayments shall be moved to a special mutuel account the morning following the day on which the underpayment occurred. Effort must be made to notify the public of the underpayment. Unless a claim is filed, the underpayments will remain in the special mutuel account until such time that the meet or live racing season during which the underpayment occurred is due to be purged and will then be included as outs.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 20 SR 2592*

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7873.0127 PARI-MUTUEL POOLS DEPENDENT ON ENTRIES.

Unless the commission approves a prior written request from an association to alter wagering opportunities for a specific race, each association must offer:

- A. win, place, and show wagering on all scheduled races involving six or more betting interests;
- B. if horses representing five betting interests are scheduled to start in a race, then the association may prohibit show wagering on that race; and
- C. if horses representing four or fewer betting interests are scheduled to start in a race, then the association may prohibit place wagering, show wagering, or both on that race.

Where possible, the official program must contain a notice indicating races on which place wagering, show wagering, or both are not offered.

Statutory Authority: *MS s 240.24*

History: *10 SR 2161*

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7873.0130 PREVENTION TO START.

In a thoroughbred, quarter horse, arabian, or other breed race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other

stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all straight pools in which the horse earned a placing and a nonstarter in all other straight pools. However, there shall be no refund if the horse is part of a coupled entry or field.

B. If any horse is so prevented from starting, the entire amount in the exacta pool wagered on that horse shall be refunded unless the horse finishes first or second, in which case the horse shall be considered a starter for the exacta pool in which the horse earned a placing. In the case of a coupled entry or field, it shall be left to the judgment of the stewards as to whether or not to provide a refund.

C. If any horse or horses are so prevented from starting so that it would reduce the total number of starters below six, the following shall apply:

(1) if five starters of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool;

(2) if four or fewer horses of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool, the place pool, or both; and

(3) if fewer than two horses of different betting interests leave the stalls, the race must be canceled and the entire amount wagered in the win, place, and show pools must be promptly refunded.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 16 SR 2684; 19 SR 2307*

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7873.0140 FAILURE TO START.

After wagering has commenced on a race and prior to the race being run, should a horse or horses be scratched resulting in a field of less than six different betting interests, the following shall apply:

A. if five horses of different betting interests are declared starters, the association may refund the entire amount wagered in the show pool;

B. if four or fewer horses of different betting interests are declared starters, the association may refund the entire amount wagered in the show pool, the place pool, the exacta pool, and the quinella pool; and

C. if fewer than two horses are declared starters, the race must be canceled and the entire amount wagered in the win, place, show, exacta, and quinella pools must be promptly refunded.

In all cases, the association must, prior to the race being run, announce to the public its decision to cancel any pools.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 14 SR 2008*

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7873.0150 SCRATCHES.

For all wagers other than the daily double, pick six, or pick three, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. In the case of a coupled entry or field, it shall be left to the judgment of the stewards as to whether or not to provide a refund.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 14 SR 2008; 19 SR 2307*

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7873.0160 DAILY DOUBLE.

Subpart 1. **Scope.** The daily double wager combines two horses in two successive races, selecting the horses which will finish first in the official order of finish of each of the two races. The first of these races is designated as the first half of the daily double and the subsequent race the second half. All daily double wagers must be calculated in an entirely separate pool.

Subp. 2. **No winning combinations sold.** The following calculations shall be used when no winning daily double combinations are sold:

A. If no winning combination is sold, the total money is computed as a place pool with those who have picked the winner of the first half and those who have picked the winner of the second half participating in the pool.

B. If no ticket is sold on the winner of the second half, the entire pool is apportioned to holders of the tickets on the winner of the first half.

C. If no ticket is sold on the winner of the first half, the entire pool is apportioned to the holders of tickets on the winner of the second half participating in the pool.

D. If no tickets are sold containing the numbers of either winner, the pool shall be allotted to those having tickets on horses finishing next to the winners.

Subp. 3. **Dead heats.** If a dead heat should result in the first or second race of the daily double, the total pool is figured as a place pool.

Subp. 4. **Scratches from daily double before first half is run.** Should any horse or horses entered in the first or second half of the daily double be scratched, excused by the stewards, or prevented from racing before the first half of the daily double has been run, the money wagered on any horse or horses so scratched, 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 scratched, excused, or prevented from racing.

Subp. 5. **Scratches in second half to result in consolation pool.** Should any horse be scratched, excused, or prevented from racing in the second half of the daily double, after the first half is official, all tickets combining the scratched horse with winner of first half of the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net daily double pool shall be divided by the total purchase price of all tickets combining the winner of the first half, and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse or horses in the second half. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net daily double pool.

Subp. 6. **Announcement of payoff prices.** The possible payoff prices shall be posted or announced to the public before the start of the second half of the daily double.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527*

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7873.0170 QUINELLA.

Subpart 1. **Scope.** The winning quinella combination shall be the first two horses of separate betting interests to finish the race. The order in which the horses finish is immaterial. All tickets on the quinella must be calculated in an entirely separate pool.

Subp. 2. **No winning combinations sold.** The following calculations shall be used when no winning quinella combinations are sold:

A. If there are no tickets sold on the winning combinations in a quinella race, all quinella tickets bearing the number of the individual win horse and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

B. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold with the number of the individual win horse, all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

C. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold bearing the number of the individual place horse, all quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

D. If there are no tickets sold on the winning combinations in a quinella race and if there are no quinella tickets sold bearing the number of the individual win horse and if there are no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 3. **If only one horse finishes, race declared "no race."** If only one horse finishes in a quinella race, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 4. **Dead heats.** The following calculations shall be used in the event of dead heats.

A. If there is a two horse dead heat for win in a quinella race, the two horses involved in the dead heat shall be the winning quinella combination.

B. If a multiple dead heat for win results, all horses involved in the dead heat shall be the winning combinations. Example: if numbers 1, 3, 5, and 7 dead heat for win, the winning quinella combinations would be 1-3, 1-5, 1-7, 3-5, 3-7, and 5-7. The net pool, after deducting the amounts wagered on the winning combinations will be equally distributed in payoff calculations on the winning combinations.

C. If there is a two horse dead heat for place in a quinella race, the total pool is calculated as a place pool.

D. If a multiple dead heat for place results in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527*

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7873.0180 PERFECTA OR EXACTA.

Subpart 1. **Scope.** A perfecta or exacta wager combines two horses of separate betting interests in a single race, selecting the horse which will finish first and the horse which will finish second in that race in the official order of finish. All perfecta or exacta wagers must be calculated in a separate pool.

Subp. 2. **No winning combination sold.** If no ticket is sold on the winning perfecta or exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

Subp. 3. **Dead heats.** The following calculations shall be used in the event of dead heats.

A. In case of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination. Example: if numbers 2 and 5 dead heat for win, the winning combination would be 2-5 and 5-2.

B. 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. Example: if number 2 wins with numbers 5 and 6 a dead heat for second, the winning combinations would be 2-5 and 2-6.

C. If there is a dead heat for second place, if 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 other winning combination. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combination. However, if no ticket was sold with a 2-5 combination, the net pool would be distributed to holders of the 2-6 combination.

D. If no tickets combine the winning horse with either of the place horses in the dead heat, the pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combinations. However, if no ticket was sold with the 2-5 or 2-6 combination, the net pool would be distributed to holders of any ticket with 2 in the win position as part of the combination with any other number (2-1, 2-3, 2-4, 2-7, 2-8 of an eight horse field) and to holders of any ticket with 5 or 6 in the place position with any other number (1-5, 3-5, 4-5, 6-5, 7-5, 8-5, 1-6, 3-6, 4-6, 5-6, 7-6, 8-6 of an eight horse field).

Subp. 4. **Refund of pool.** A refund of the perfecta or exacta pool shall occur when:

A. No ticket is sold that would require distribution of a perfecta or exacta pool to winners as defined in this part.

B. Only one horse finishes in a perfecta or exacta race.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527*

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7873.0185 TRIFECTA.

Subpart 1. **Scope.** The trifecta is a form of pari-mutuel wagering combining three horses in a single race. Each bettor selects horses that will finish in exact order, first, second, and third in a designated trifecta race. Payment of the ticket shall be made only to the purchasers who have selected the exact order of finish as officially posted, except as otherwise noted. All trifecta wagers are calculated on a separate trifecta pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Trifecta tickets shall be sold singly in not less than 50-cent denominations. A box resulting in a minimum wager of \$1.50 or a wheel resulting in a minimum wager of 50 cents may be made and will return to the bettor one-half of the minimum payoff.

Subp. 3. **Scratches.** If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating the horse and all previously issued trifecta tickets that include the scratched horse shall be refunded at any time and the money deducted from the gross pool.

Subp. 4. **Failure to select winning combination.** Items A to F govern payoffs in races where the winning combination has not been selected.

A. If no ticket is sold correctly selecting in exact order the first three horses, the net pool shall be paid equally on those trifecta tickets correctly selecting the first two horses in exact order with all other horses.

B. If no ticket is sold correctly selecting the first and second horse, the net pool shall be paid equally on those trifecta tickets selecting the horses that finished first and third, with all other horses finishing second.

C. If no ticket is sold correctly selecting the first and third horse, the net pool shall be paid equally on those trifecta tickets correctly selecting the horses that finished second and third, with all other horses to win.

D. If no ticket is sold correctly selecting the first and third horse, the net pool shall be paid equally on those trifecta tickets selecting the horse that finished first, with all other horses finishing second and third.

E. If no ticket is sold that would require distribution of the net trifecta pool as described in items A to D, a full refund of the trifecta pool for that race shall be made.

F. If less than three horses finish a trifecta race, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

Subp. 5. **Cancellation of trifecta race.** If a trifecta race is canceled, a full refund of all trifecta tickets will be made.

Subp. 6. **Dead heat.** Items A to E govern payoffs in dead heats.

A. In the event of a dead heat for first, the winning combinations shall include the first two horses as finishing in either the first or second position and the horse finishing third. The payoffs will be calculated as a place pool.

B. In the event of a dead heat for second, the winning combinations shall be the horse finishing first and the two horses finishing in a dead heat for second, as finishing in either the second or third position. The payoffs will be calculated as a place pool.

C. In the event of a dead heat for third, the winning combinations shall be the horse finishing first, the horse finishing second, and the two horses finishing in a dead heat for third. The payoffs will be calculated as a place pool.

D. In the event of a dead heat for first, second, or third where there is no winning ticket on the one dead heat combination, the entire net pool will be paid to the other winning combination.

E. In all instances of multiple dead heats, the winning combinations shall be paid proportionately from the net trifecta pool.

Subp. 7. **Restrictions on trifecta races.** Trifecta wagering must not be scheduled on a race with fewer than five betting interests in the original daily racing program.

Trifecta wagering must not be allowed on a race with fewer than five betting interests. If, for any reason, trifecta wagering is canceled, all trifecta wagers must be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

Subp. 8. **Displaying trifecta rules.** Trifecta rules shall be prominently displayed at each track conducting trifecta wagering. Printed copies of trifecta rules shall be provided to patrons upon request.

Statutory Authority: *MS s 240.13; 240.15; 240.19; 240.23; 240.24*

History: *14 SR 2454; 15 SR 2307; 16 SR 2684; 20 SR 2592; 21 SR 1407; 25 SR 1609; 28 SR 1482; 33 SR 8; 36 SR 10*

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7873.0186 [Repealed, 26 SR 1438]

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7873.0188 SUPERFECTA.

Subpart 1. **Scope.** The superfecta is a form of pari-mutuel wagering combining four horses in a single race. Each bettor selects horses that will finish in exact order, first, second, third, and fourth, in a designated superfecta race. Payment of the ticket must be made only to the purchasers who have selected the exact order of finish as officially posted, except as otherwise noted. All superfecta wagers are calculated on a separate superfecta pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Superfecta tickets must be sold singly in not less than ten cent denominations.

Subp. 3. **Scratches.** If a horse is scratched or declared a nonstarter, no further superfecta tickets may be issued designating the horse and all previously issued superfecta tickets that include the scratched horse must be refunded at any time and the money deducted from the gross pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. If no ticket is sold correctly selecting the first four finishers, the net pool must be paid equally on those superfecta tickets selecting the horses finishing first, second, and third.

B. If no ticket is sold correctly selecting the first three finishers, the net pool must be paid equally on those superfecta tickets selecting the horses finishing first and second.

C. If no ticket is sold correctly selecting the first two finishers, the net pool must be paid equally on those tickets selecting the horse finishing first.

D. If no ticket is sold that would require distribution of the net superfecta pool as described in items A to C, a full refund of the superfecta pool for that race must be made.

E. If less than four horses finish a superfecta race, payoff must be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

Subp. 5. **Cancellation of superfecta race.** If a superfecta race is canceled, a full refund of all superfecta tickets must be made.

Subp. 6. **Dead heats.** Items A to F govern payoffs in dead heats.

A. In the event of a dead heat for first, the winning combinations must be the horses finishing in the dead heat for first and the horses finishing third and fourth.

B. In the event of a dead heat for second, the winning combinations must be the horse finishing first, the horses finishing in the dead heat for second, and the horse finishing fourth.

C. In the event of a dead heat for third, the winning combinations must be the horse finishing first, the horse finishing second, and the horses finishing in the dead heat for third.

D. In the event of a dead heat for fourth, the winning combinations must be the horse finishing first, the horse finishing second, the horse finishing third, and the horses finishing in the dead heat for fourth.

E. In the event of a dead heat for first, second, third, or fourth where there is no winning ticket on the one dead heat combination, the entire pool must be paid to the other winning combination.

F. In all instances of multiple dead heats, the winning combinations must be paid proportionately from the net superfecta pool.

Subp. 7. **Restrictions on superfecta races.** In no event shall superfecta wagering be allowed with fewer than six betting interests. If for any reason superfecta wagering is canceled, all superfecta wagers must be refunded.

Subp. 8. **Displaying superfecta rules.** Superfecta rules must be prominently displayed at each track conducting superfecta wagering. Printed copies of superfecta rules must be provided to patrons upon request.

Statutory Authority: *MS s 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *24 SR 1568; 31 SR 1277; 34 SR 1135*

Published Electronically: *February 24, 2010*

7873.0190 PICK SIX.

Subpart 1. **Scope.** The pick six pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association.

Subp. 2. **Ticket is evidence of binding contract.** A pick six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the ticket shall constitute an acceptance of the pick six provisions and rules.

Subp. 3. **Pick six may be given distinctive name.** A pick six may be given a distinctive name by the association conducting the race meeting, subject to prior approval by the commission.

Subp. 4. **Pick six pool.** The pick six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a pick six ticket shall designate the winning horse in each of the six races comprising the pick six.

Subp. 5. **Coupled entries and fields.** Those horses constituting an entry of coupled horses, or those horses coupled to constitute the mutuel field in a race comprising the pick six, shall race as a single wagering interest for the purpose of the pick six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry or the field selection shall remain as the designated selection to win in that race for the pick six calculation and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool must be calculated according to one of the two following methods as approved by the commission:

A. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the pick six, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

B. (1) Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the six races comprising the pick six, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day. The remaining 50 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

C. Should no distribution be made pursuant to item A or B on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the final day of racing is canceled or the pick six pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

D. With the permission of the director, a licensee may declare a mandatory payout (1) on the next consecutive race day after the pick six carryover pool has reached a previously approved amount or (2) on a day during which a special event has been scheduled. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool must be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool must be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

Subp. 7. **Actual favorite substituted for scratched horse.** In the event a pick six pari-mutuel ticket designates a selection in any one or more of the races comprising the pick six and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

The association may refund pick six tickets that include the scratched selection prior to the beginning of wagering for the first race comprising the pick six races.

Subp. 8. **Dead heats.** In the event of a dead heat for win between two or more horses in any pick six race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 9. **Cancellation of race comprising pick six.** In the event one or two of the races comprising the pick six are canceled for any reason, or in the event one or two of the races comprising the pick six is declared as no contest by the stewards, 100 percent of the current program's net pari-mutuel pool shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six. The cumulative net pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day. In the event of the cancellation of three or more races comprising the pick six pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick six on that day. One hundred percent of the remaining amount in the pick six pari-mutuel pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. **No pick six ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick six pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six races comprising the pick six, except for the refunds on pick six tickets as required by this part.

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick six. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of

any winning ticket correctly designating the official winner in each of the six races comprising the pick six with its own funds.

Statutory Authority: *MS s 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 11 SR 2201; 12 SR 2393; 14 SR 2008; 15 SR 2307; 16 SR 1800; 23 SR 1540; 24 SR 1568; 25 SR 1609; 31 SR 1277*

Published Electronically: *August 1, 2008*

7873.0191 PICK THREE.

Subpart 1. **Scope.** The pick three pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association.

Subp. 2. **Ticket is evidence of binding contract.** A pick three ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the pick three provisions and rules.

Subp. 3. **Pick three may be given a distinctive name.** A pick three may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. **Pick three pool.** The pick three pari-mutuel pool consists of amounts contributed for a selection for win only in each of three races designated by the association with the approval of the commission. Each person purchasing a pick three ticket shall designate the winning horse in each of the three races comprising the pick three.

Subp. 5. **Coupled entries and fields.** Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the pick three, shall race as a single wagering interest for the purpose of the pick three pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the pick three calculation, and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.** The pick three pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the three races comprising the pick three.

B. In the event no pari-mutuel ticket is sold combining the three winners of the pick three, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winners of two of the three races comprising the pick three.

C. In the event no pari-mutuel ticket is sold combining two winners of the pick three, 100 percent of the net amount in the pari-mutuel pool shall be distributed among holders of pari-mutuel tickets which include the winner of any one race comprising the pick three.

D. In the event no pari-mutuel ticket is sold that would require distribution of the pick three pool to a winner under this part, 100 percent of the net amount in the pick three pari-mutuel pool shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

E. If, for any reason, the final day of racing is canceled or the pick three pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 7. **Cancellation of races comprising pick three.** If for any reason one or two of the races comprising the pick three is canceled, the net amount of the pari-mutuel pool shall be distributed as provided in subpart 6, items B, C, and D.

If for any reason all of the races comprising the pick three are canceled, a full and complete refund must be made of the pari-mutuel tickets sold on the pick three on that day. One hundred percent of the remaining amount in the pick three pari-mutuel pool shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 8. **Actual favorite substituted for scratched horse.** In the event a pick three ticket designates a selection in any one or more of the races comprising the pick three and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

The association may refund pick three tickets that include the scratched selection prior to the beginning of wagering for the first race comprising the pick three races.

Subp. 9. **Dead heats.** In the event of a dead heat for win between two or more horses in any pick three race, all the horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 10. **No pick three ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick three pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the three races comprising the pick three, except for refunds on pick three tickets as required by subpart 7, and no person shall disclose the number of tickets sold in the pick three pool or the number or amount of tickets selecting winners of pick three races until the stewards have determined the last race comprising the pick three to be official.

Subp. 11. **Announcement of payoff prices.** After the second of the three races comprising the pick three has been declared official, an association may, with the approval of the commission, post possible payoff prices to the public before the start of the third race of the pick three.

Statutory Authority: *MS s 240.23*

History: *11 SR 2201; 14 SR 2008; 23 SR 1540*

Published Electronically: *August 1, 2008*

7873.0192 [Repealed, 26 SR 1438]

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7873.0193 PLACE PICK ALL.

Subpart 1. **Scope.** The place pick all pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association.

Subp. 2. **Ticket is evidence of binding contract.** A place pick all ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the place pick all provisions and rules.

Subp. 3. **Place pick all may be given a distinctive name.** A place pick all may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. **Place pick all pool.** The place pick all pari-mutuel pool consists of amounts contributed for a selection finishing first or second in each of the races designated by the association with the approval of the commission. Each person purchasing a place pick all ticket shall designate a horse that officially finishes first or second in each of the races comprising that day's racing program.

Subp. 5. **Coupled entries and fields.** Horses constituting an entry of coupled horses or horses coupled to constitute the mutuel field in a race comprising the place pick all, shall race as a single wagering interest for the purpose of the place pick all pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the place pick all calculation, and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.**

A. The place pick all pari-mutuel pool must be calculated according to one of the two methods provided in item B or C, as approved by the commission.

B. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most winning selections officially finishing first or second in each of the races comprising that day's racing program.

C. (1) One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate a horse that officially finishes first or second in each of the races comprising that day's racing program.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates a horse that officially finishes first or second in each of the races comprising that day's racing program, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 25 percent shall be distributed among the holders of place pick all tickets that correctly designate the most horses officially finishing first or second in each of the races comprising that day's racing program.

D. The method of distribution shall be selected by the racing association and implemented after approval by the commission provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

E. Should no distribution be made pursuant to item B or C on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the races comprising the place pick all for that day. If, for any reason, the final day of racing is canceled or the place pick all pool has not been

distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

F. With the permission of the director, a licensee may declare a mandatory payout:

(1) on the next consecutive race day after the place pick all carryover pool has reached a previously approved amount; or

(2) on a day during which a special event has been scheduled.

G. Should no distribution be made pursuant to item B or C, then the entire distributable pool and all money accumulated in the pool must be distributed to the holders of the tickets correctly designating the most winning selections of the races comprising the place pick all for that day.

H. If, for any reason, the day of racing is canceled, or the place pick all pool has not been distributed, the pool must be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

Subp. 7. **Actual favorite substituted for scratched horse.** In the event a place pick all pari-mutuel ticket designates a selection in any one or more of the races comprising the place pick all and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

Statutory Authority: *MS s 240.13; 240.23*

History: *28 SR 1482*

Published Electronically: *August 1, 2008*

7873.0194 HEAD-TO-HEAD WAGER.

Subpart 1. **Scope.** The head-to-head wager requires the selection of the winning contestant in a designated contest, in a competition between two equally matched betting interests regardless of the official placing of the other betting interests in that contest.

Subp. 2. **Ticket is evidence of binding contract.** A head-to-head wager ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the head-to-head wager provisions and rules.

Subp. 3. **Head-to-head wager may be given a distinctive name.** A head-to-head wager may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. **Head-to-head wager pool.** The head-to-head wager pari-mutuel pool consists of amounts contributed for a selection finishing ahead of the other designated contestant in a race designated by the association with the approval of the commission. Each person purchasing a head-to-head wager ticket shall designate a horse that officially finishes ahead of the other designated contestant.

Subp. 5. **Selection of head-to-head wager contestants.** The selection of which contestants from a contest shall participate in the head-to-head wager shall be made as provided in this subpart:

A. the association must submit to the executive director a request stating the association's intentions for determining the contestants for each head-to-head wager contest;

B. the matching of contestants for the head-to-head wager shall be limited to horse versus horse; and

C. the contestants chosen for the head-to-head wager shall be conspicuously identified in the official program.

Subp. 6. **Calculation of pool.** The head-to-head wager pari-mutuel pool shall be distributed to winning ticket holders as a single-price pool to those whose selection finished ahead of the other contestant in a single head-to-head wager contest. If there are no such wagers, then the head-to-head wager pool shall be refunded.

Subp. 7. **Dead heats.** In the event of a dead heat between two contestants in a single contest head-to-head wager pool, the entire head-to-head wager pool shall be refunded.

Subp. 8. **Cancellation of races comprising head-to-head wager.** In the event of the cancellation of a race involving head-to-head wagering, the entire pool shall be refunded.

Subp. 9. **Scratched contestant in a head-to-head wager pool.** In the event that a contestant in a head-to-head wager pool is scratched or declared a nonstarter, that contest shall be canceled.

Subp. 10. **Failure of contestant to finish a head-to-head wager race.** In the event that both contestants in a head-to-head wager pool fail to finish in a head-to-head wager contest, that contest shall be canceled.

Statutory Authority: *MS s 240.13; 240.23*

History: *28 SR 1482*

Published Electronically: *August 1, 2008*

7873.0195 DISTRIBUTION OF PICK SIX, PICK THREE, AND PICK FOUR POOLS.

The commission may authorize the distribution or carry over of the pick six pool according to part 7873.0190, subpart 6, the pick three pool according to part 7873.0191, subpart 6, and the pick four pool according to part 7873.0199, subpart 6, on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick six, pick three, or pick four pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

Statutory Authority: *MS s 240.13; 240.23*

History: *11 SR 2201; 15 SR 2307; 26 SR 1438*

Published Electronically: *August 1, 2008*

7873.0198 [Repealed, 26 SR 1438]

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7873.0199 PICK FOUR.

Subpart 1. **Scope.** The pick four pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association.

Subp. 2. **Ticket is evidence of binding contract.** A pick four ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the pick four provisions and rules.

Subp. 3. **Pick four may be given a distinctive name.** A pick four may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. **Pick four pool.** The pick four pari-mutuel pool consists of amounts contributed for a selection for win only in each of four races designated by the association with the approval of the commission. Each person purchasing a pick four ticket shall designate the winning horse in each of the four races comprising the pick four.

Subp. 5. **Coupled entries and fields.** Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the pick four, shall race as a single wagering interest for the purpose of the pick four pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry of the field selection shall remain as the designated selection to win in that race for the pick four calculation, and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.** The pick four pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four.

B. In the event no pari-mutuel ticket is sold combining the four winners of the pick four, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winners of three of the four races comprising the pick four.

C. In the event no pari-mutuel ticket is sold combining three winners of the pick four, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winner of any two races comprising the pick four.

D. In the event no pari-mutuel ticket is sold combining two winners of the pick four, 100 percent of the net amount in the pari-mutuel pool shall be distributed among holders of pari-mutuel tickets which include the winner of any one race comprising the pick four.

E. In the event no pari-mutuel ticket is sold that would require distribution of the pick four pool to a winner under this part, 100 percent of the net amount in the pick four pari-mutuel pool shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

F. If for any reason the final day of racing is canceled or the pick four pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 6a. **Calculation of pool with a pick four pool designated to have a carryover.**

A. The association, with the approval of the commission according to the criteria in part 7873.0195, may add a carryover to the pick four wager. In that case, the pick four pari-mutuel pool must be calculated according to one of the two methods provided in item B or C, as approved by the commission.

B. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the four races comprising the pick four.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the four races comprising the pick four, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing pool or the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 25 percent shall be distributed among the holders of pick four tickets which correctly designate the most official winners of the four races comprising the pick four.

C. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the four races comprising the pick four.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the four races comprising the pick four, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing pool or the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 50 percent shall be distributed among the holders of pick four tickets which correctly designate the most official winners of the four races comprising the pick four.

D. The method of distribution shall be selected by the racing association and implemented after approval by the commission provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

E. Should no distribution be made pursuant to item B or C on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the four races comprising the pick four for that day. If, for any reason, the final day of racing is canceled or the pick four pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

F. With the permission of the director, a licensee may declare a mandatory payout:

(1) on the next consecutive race day after the pick four carryover pool has reached a previously approved amount; or

(2) on a day during which a special event has been scheduled.

G. Should no distribution be made pursuant to item B or C, then the entire distributable pool and all money accumulated in the pool must be distributed to the holders of the tickets correctly designating the most winning selections of the four races comprising the pick four for that day.

H. If, for any reason, the day of racing is canceled or the pick four pool has not been distributed, the pool must be carried over and included in the pick four pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

Subp. 7. **Cancellation of races comprising pick four.** If for any reason one, two, or three of the races comprising the pick four is canceled, the net amount of the pari-mutuel pool shall be distributed as provided in subpart 6, items B, C, D, and E. If for any reason all of the races comprising the pick four are canceled, a full and complete refund must be made of the pari-mutuel tickets sold on the pick four on that day. One hundred percent of the remaining amount in the pick four pari-mutuel pool shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 8. **Actual favorite substituted for scratched horse.** In the event a pick four ticket designates a selection in any one or more of the races comprising the pick four and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

The association may refund pick four tickets that include the scratched selection prior to the beginning of wagering for the first race comprising the pick four races.

Subp. 9. **Dead heats.** In the event of a dead heat for win between two or more horses in any pick four race, all the horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 10. **No pick four ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick four pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the four races comprising the pick four, except for refunds on pick four tickets as required by subpart 7, and no person shall disclose the number of tickets sold in the pick four pool or the number or amount of tickets selecting winners of pick four races until the stewards have determined the last race comprising the pick four to be official.

Subp. 11. **Announcement of payoff prices.** After the third of the four races comprising the pick four has been declared official, an association may, with the approval of the commission, post possible payoff prices to the public before the start of the fourth race of the pick four.

Subp. 12. **Cancellation of pick four carryover.** The association may request at any time to discontinue the pick four carryover. The association must make this request in writing to the executive director stating the reasons for the discontinuation of the carryover. If the request is granted, the carryover will be discontinued and subpart 6 will take precedence.

Subp. 13. **No pick four ticket to be exchanged or canceled when conducted with a carryover.** No pari-mutuel ticket for the pick four pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the four races comprising the pick four, except for the refunds on pick four tickets

as required by this part. If the pick four is being conducted with a carryover, no person shall disclose the number of tickets sold in the pick four pool or the number or amount of tickets selecting winners of pick four races until such time as the stewards have declared "official" the last race comprising the pick four.

Statutory Authority: *MS s 240.13; 240.23*

History: *26 SR 1438; 28 SR 1482; 36 SR 10*

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7873.0200 "OFFICIAL" SIGN.

Any ruling of the stewards with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527*

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7873.0210 LOST TICKETS.

The association shall consider claims for lost pari-mutuel tickets but is not liable for lost pari-mutuel tickets.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 26 SR 1438*

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7873.0220 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527*

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7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. Complaint forms must include the name, address, and telephone number of the complainant, the date and nature of the complaint, and the department or persons with whom the complaint was made. When a patron makes a complaint, the association shall forward a copy of the complaint along with the action or proposed action taken, if any, to the commission staff within 48 hours of the complaint. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 20 SR 2592*

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7873.0240 TIP SHEETS.

Subpart 1. **Number of tip sheets.** At least one independently handicapped tip sheet shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to a commission representative at the racetrack.

Subp. 2. **Previous day's sheet to be posted.** The previous race day's tip sheets and their outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. **Tip sheet vendors must be licensed.** All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

Statutory Authority: *MS s 240.13; 240.23*

History: *9 SR 2527; 33 SR 8*

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7873.0300 SIMULCAST WAGERING.

Subpart 1. **Request.** Upon written request of a Class B or Class D licensee, the commission shall approve wagering on races televised to Minnesota from another licensed racing jurisdiction. A signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast must be filed with the commission.

Subp. 2. **Approval.** All simulcast races must be conducted at the licensed racetrack and approved by the commission.

Subp. 3. **Pari-mutuel pools.** All takeout and taxes on simulcast pari-mutuel pools must be in accordance with Minnesota Statutes, section 240.15, subdivision 1, paragraph (a).

Subp. 4. [Repealed, 14 SR 332]

Subp. 5. **Compliance with laws.** In addition to all state laws and applicable rules of the commission, simulcast wagering must be in compliance with United States Code, title 15, section 3001, et seq.

Statutory Authority: *MS s 240.13; 240.23; 240.24*

History: *9 SR 2527; 14 SR 332; 14 SR 2008*

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7873.0400 [Repealed, 18 SR 886]

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7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to Minnesota Statutes, section 240.13, subdivision 5. In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. **Adjustments to purses.** Should the levels of pari-mutuel handle create overpayment or underpayment of purses paid during the course of the race meeting, the association must make adjustments in each publication of it's condition book to attempt to keep purses consistent with mutuel handles.

Subp. 3. **Overpayments carried over.** If, at the end of each race meeting, an overpayment of purses has occurred, the overpayment shall be adjusted by contract between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed involved at the licensee's facility. The association must make its best effort to recover the overpayment on an even basis over the course of the race meeting to prevent serious inconsistencies in purse levels during the race meeting.

Subp. 4. **Underpayments carried over.** If, at the end of a race meeting, an underpayment of purses has occurred, the underpayment shall be carried over to the next race meeting of the same breed. Such underpayment must be paid to horse owners by adding the underpayment to purses. The association must make its best effort to repay the underpayment on an even basis over the course of the race meeting to prevent serious inconsistencies in purse levels during the race meeting.

Subp. 5. **Willful underpayment.** Should the commission determine that an association willfully failed to adjust purse levels in violation of subpart 1, for the purposes of retaining purse underpayments from one race meeting to the next, the association will be subject to disciplinary action by the commission.

Subp. 6. **Escrow accounts.** All money received by an association for races that charge nominating, sustaining, entry, or starting fees must be placed in interest bearing escrow accounts, and all accrued interest must be added to such races if:

- A. the total fees received for such a race exceed \$15,000; or
- B. fees are due and payable for such a race more than 180 days in advance of the advertised date of the running of the race.

Statutory Authority: *MS s 240.13; 240.15; 240.16; 240.18; 240.23; 240.24; 240.25*

History: *10 SR 1908; 14 SR 332; 19 SR 2307*

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