

**CHAPTER 173. COMMON POOL WAGERING**

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**Authority**

The provisions of this Chapter 173 issued under the Race Horse Industry Reform Act (4 P. S. §§ 325.101—325.402), unless otherwise noted.

**Source**

The provisions of this Chapter 173 adopted October 25, 1991, effective October 26, 1991 and apply retroactively to October 15, 1991, 21 Pa.B. 5060, unless otherwise noted.

**§ 173.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Administration of a common pari-mutuel pool*—The performance of ministerial functions relating to a common pari-mutuel pool which may include computation of pool totals, odds and probable payoffs, allocation of funds for distribution to entities establishing the common pari-mutuel pool and preparation of accountings.

*Common pari-mutuel pool*—A pari-mutuel wagering pool administered in one jurisdiction which includes legal wagers of a single type placed in more than one jurisdiction on a race or series of races.

*Establishment of a common pari-mutuel pool*—The inclusion of wagers placed in different jurisdictions on a horse race into a single pari-mutuel pool.

*Net amount wagered*—The amount wagered reduced by the retention imposed under the laws of the Commonwealth or another jurisdiction.

*Procedures established for the administration of the common pari-mutuel pool*—The administrative procedures agreed to by the entities establishing a common pari-mutuel pool which may include the procedure for accepting wagers into the common pari-mutuel pool, distributing money from the common pari-mutuel pool, transmitting wagering information and transferring money between the entities establishing the common pari-mutuel pool.

**§ 173.2. Authorization of a common pari-mutuel pool.**

(a) Upon approval of the Commission, a licensed corporation may establish a common pari-mutuel pool with entities permitted under the laws of another jurisdiction to conduct pari-mutuel wagering on the results of horse races. The common pari-mutuel pool may be established to accept wagers on a race conducted outside this Commonwealth.

(b) A common pari-mutuel pool established under this chapter may consist of the amount wagered or the net amount wagered by a patron:

- (1) Of the licensed corporation.
- (2) Of another licensed corporation within this Commonwealth.
- (3) Of a corporation licensed by the Commission.
- (4) Under the laws of another jurisdiction.

(c) An individual wager shall be deemed to be made at the point of sale in the jurisdiction where it is placed.

**§ 173.3. Application for permission to establish a common pari-mutuel pool.**

(a) A licensed corporation may apply to the Commission for permission to establish a common pari-mutuel pool.

(b) An application for permission to establish a common pari-mutuel pool shall be submitted to the Commission at least 30 days prior to the commencement of wagering into the common pari-mutuel pool. The Commission may accept an application filed less than 30 days prior to the commencement of wagering for good cause shown.

(c) An application for permission to establish a common pari-mutuel pool shall be in a form prescribed by the Commission and shall contain the following:

- (1) The name of the licensed corporation requesting permission to establish the common pari-mutuel pool.
- (2) The name, date and jurisdiction of the racetrack conducting the race on which wagers will be accepted for inclusion into the common pari-mutuel pool.
- (3) The name and licensing jurisdiction of each entity that will be accepting wagers for inclusion into the common pari-mutuel pool.
- (4) A copy of the agreement for the simulcast of the race on which wagers will be accepted for inclusion into the common pari-mutuel pool.
- (5) A copy of the agreement among the entities establishing the common pari-mutuel pool.
- (6) A copy of the procedures established for administration of the common pari-mutuel pool.
- (7) A copy of approvals required under the Interstate Horseracing Act of 1978 (15 U.S.C.A. §§ 3001—3007).
- (8) The minimum amount of a wager which will be accepted for inclusion in the common pari-mutuel pool.

(9) The retention rate to be applied to amounts wagered in this Commonwealth for inclusion in the common pari-mutuel pool.

(10) The retention rate to be applied to amounts wagered in each jurisdiction other than the Commonwealth for inclusion in the common pari-mutuel pool.

#### **§ 173.4. Review of application.**

(a) The Commission may approve an application for permission to establish a common pari-mutuel pool if the Commission determines that the establishment of the common pari-mutuel pool will be in the best interest of racing in this Commonwealth and if the following conditions are satisfied:

(1) The race upon which patrons will be permitted to wager may be simulcast under section 216 of the act (4 P. S. § 325.216) or under the Interstate Horseracing Act of 1978 (15 U.S.C.A. §§ 3001—3007), or both.

(2) The wager to be accepted is of a type which may be permitted by the Commission under section 221 of the act (4 P. S. § 325.221).

(3) The agreement under which the common pari-mutuel pool will be established and the procedures established for the administration of the common pari-mutuel pool comply with the act and this chapter.

(b) The Commission may place conditions on an approval of an application as it deems appropriate to assure that the establishment of the common pari-mutuel pool will be in the best interests of racing in this Commonwealth and in compliance with the act and this chapter.

#### **§ 173.5. Retention and distribution of retention.**

(a) A licensed corporation that establishes a common pari-mutuel pool under this chapter shall retain from each wager placed in this Commonwealth an amount equal to the percentage retention rate approved by the Commission.

(b) The Commission will not approve a percentage retention rate which is less than or exceeds the minimum or maximum retention rate permitted for comparable wagers under section 221 of the act (4 P. S. § 325.221).

(c) A wager placed in this Commonwealth for inclusion in a common pari-mutuel pool established under this chapter shall be included by the licensed corporation in the amount wagered that racing day. A wager placed in another jurisdiction for inclusion in a common pari-mutuel pool established under this chapter may not be included in the amount wagered that racing day.

(d) Money retained by a licensed corporation under subsection (a) plus breakage allocated to the licensed corporation that establishes a common pari-mutuel pool under this chapter, shall be distributed in the same manner as other amounts retained under the act.

**§ 173.6. Distribution of common pari-mutuel pool.**

(a) Money in a common pari-mutuel pool shall be distributed to the holders of winning pari-mutuel tickets in conformity with the common practice of the pari-mutuel system.

(b) Money in a common pari-mutuel pool may be distributed to the holders of winning pari-mutuel tickets according to a net pricing calculation which reflects differing retention rates approved under the laws of the Commonwealth and other jurisdictions accepting wagers for inclusion into the common pari-mutuel pool.

(c) The procedures established for the administration of the common pari-mutuel pool shall include a procedure for the following:

(1) Distributing money in the common pari-mutuel pool to the holders of winning tickets.

(2) Allocating breakage between the entities contributing to the common pari-mutuel pool.

(3) Allocating funds for uncashed winning tickets between the entities contributing to the common pari-mutuel pool.

(4) Providing an accounting to the licensed corporation for submission to the Commission of contributions to and distributions from the common pari-mutuel pool.

(d) Funds for uncashed winning tickets allocated to a licensed corporation shall be distributed by the licensed corporation as provided under section 202(b) of the act (4 P. S. § 325.202(b)).

(e) If wagers placed in this Commonwealth cannot be transmitted for inclusion in a common pari-mutuel pool established under this chapter, the licensed corporation may do one of the following:

(1) Refund all amounts wagered to patrons holding pari-mutuel tickets representing wagers placed for inclusion in the common pari-mutuel pool if the refund is announced over the public address system of the licensed corporation prior to the official start of the race.

(2) Establish a pari-mutuel pool consisting solely of amounts wagered within this Commonwealth.

**§ 173.7. Responsibility for distribution.**

A licensed corporation that establishes a common pari-mutuel pool under this chapter is liable to the following:

(1) The holder of a winning pari-mutuel ticket representing a wager placed within this Commonwealth for inclusion in the common pari-mutuel pool for the distribution of winnings from the common pari-mutuel pool.

(2) The Commonwealth for other distributions required under the act or this chapter as a result of wagers placed in this Commonwealth for inclusion in the common pari-mutuel pool.

**§ 173.8. Races for which a common pari-mutuel pool is established.**

A race for which a common pari-mutuel pool has been established shall be conducted under the rules of racing of the jurisdiction in which the race is conducted unless that jurisdiction approves otherwise.

**§ 173.9. Publication and posting of rules.**

A licensed corporation that establishes a common pari-mutuel pool under this chapter shall:

- (1) Print a summary of the rules governing wagers into and distributions from the common pari-mutuel pool in its program for the day of the race.
- (2) Post a complete copy of the rules governing administration of the common pari-mutuel pool prominently at each betting window or group of betting windows in its racetrack enclosure.

**§ 173.10. Administration of common pari-mutuel pool by a licensed corporation.**

An agreement under which a licensed corporation will administer a common pari-mutuel pool shall contain a provision absolving the licensed corporation from liability if it becomes impossible to include wagers placed in another jurisdiction into the common pari-mutuel pool or if a representative of the Commission or licensed corporation determines that attempting to include wagers placed in another jurisdiction in the common pari-mutuel pool will endanger the licensed corporation's wagering pool.

**§ 173.11. Display of racing and wagering information.**

(a) A licensed corporation which establishes a common pari-mutuel pool under this chapter shall present an audio and video display of the race, including the post parade, upon which patrons may place wagers for inclusion into the common pari-mutuel pool.

(b) A licensed corporation which establishes a common pari-mutuel pool under this chapter shall present a video display containing wagering information, such as current odds, pari-mutuel pool totals and probable payoffs for the race upon which patrons may place wagers for inclusion into the common pari-mutuel pool.

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