

**CHAPTER 69.5-01-08
PARI-MUTUEL WAGERING SYSTEMS**

DRAFT – to be added into **69.5-01-08-04. Calculation and distribution of pools.**

69.5-01-08-04. Calculation and distribution of pools.

1. **General.** The only pari-mutuel wagering pools permitted are, those designated in the association of racing commissioners international model rules of racing version 6.0, rules ARCI-004-105 part I, A through X, and pari-mutuel plus, pick 1-2-3, pick 1-2-3-4-5, 123racing Pick-n-Wager®, and Tote-X® win, and Tournament Wager. In each pool there must be a separate and independent calculation and distribution. From each pool there must be deducted by each association or licensee the commissions as provided by state law. The remainder of the moneys in the pool must be distributed as payoff to ticketholders as set out therein.

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7. Tournament Wager.

- a. The Tournament Wager is a separate pari-mutuel pool wager established by the licensee on a designated number of races. The gross pool consists of the total amount wagered for the multiple race bet. Winning wagers are determined by the highest points totals earned after all races have been completed. It is not a parlay and has no connection with or relation to other pools conducted by the licensee other than the utilization of live race payouts as a means of calculating players' points.
- b. A valid Tournament Wager ticket shall be evidence of a binding contract between the holder of the ticket and the association, and shall constitute an acceptance of Tournament Wager provisions and rules contained in this chapter.
- c. A Tournament Wager ticket may not be retracted within two (2) hours of post time unless otherwise approved by the commission. A Tournament Wager ticket may be canceled only with the approval of the licensee.
- d. A Licensee may establish a minimum and maximum number of entries per tournament. In the event the minimum number of entries are not received, the Licensee may cancel and refund all wagers in that tournament. The regarding minimum entries for each tournament shall be approved by the commission and published in advance of the opening of the tournament.
- e. A Tournament Wager may be given a distinctive name by the licensee, subject to commission approval.
- f. Tournament Wagers shall be conducted as follows:

- (1) Mythical Win/Place and Win/Place/Show Tournament:
- a. Players select one (1) primary betting interest for each designated tournament race.
 - b. Players may select an alternate betting interest. If there is a scratch of the player's primary selection, the alternate will be substituted. If there is also a scratch of the player's alternate selection, or if no alternate selection has been made, the selection will default to the remaining betting interest with the best post time odds as determined by win pool odds.
 - c. Players accrue earnings based on the actual pari-mutuel win, place, or show payouts for any correct selections, determined from tote payouts, based on a mythical win/place or win/place/show wager of a dollar value established by the licensee in advance of the contest. The licensee may establish maximum mythical earnings in advance of the opening of the contest. As an example, for a \$2 win/place/show tournament, the maximum payout may be \$42.00 for a successful win selection, \$22.00 for a successful place selection and \$12.00 for a successful show selection.
 - d. Should there be a tie in earnings in the contest, ties will be broken in accordance with the following procedures: (a) the entry(s) with the most number of winners selected will win the tie; if a tie still remains, then (b) the entry(s) selecting the horse with the highest mutuel win payout will win the tie; if a tie still remains, then (c) the entry(s) with the most number of place horses selected will win the tie; if a tie still remains, then (d) the entry(s) with the highest mutuel place payout will win the tie; if a tie still remains, then (e) the entry(s) with the most number of show (third place finishers that did not win or place) horses selected will win the tie; if a tie still remains, then (f) the winning entry(s) will be determined by a random draw among eligible entries.
 - e. A Licensee may provide qualification for future or online tournaments for the entry(s) based on their final ranking, including any tie breakers. Such an offering shall be included in the tournament rules published in advance of the opening of the tournament.
 - f. Pari-mutuel distributions are made at the conclusion of the tournaments the based on the pari-mutuel distribution schedule published by the licensee in advance of the opening of the tournament.

(2) Survivor Tournament:

- a. Players select one (1) primary betting interest for each designated tournament race. Players remain in the tournament if the player's betting interest finishes in a win, place or show position. Players whose betting interest does not finish win, place or show shall be eliminated from the tournament.
- b. Players may select an alternate betting interest. If there is a scratch of the player's primary selection, the alternate will be substituted. If there is also a scratch of the player's alternate selection, or if no alternate selection has been made, the selection will default to the remaining betting interest with the best post time odds as determined by win pool odds.
- c. Players earn one (1) point per correct selection of a betting interest finishing in a win, place or show position as determined by existence of a pari-mutuel payout for that position.
- d. In the event that the size of the field or other circumstances produce only win/place or only win payouts, only those horses will be considered to be correct selections for the purposes of scoring.
- e. In the discretion of the licensee, tiebreakers may be applied in Survivor Tournaments pursuant to the terms published in advance of the opening of the tournament.
- f. Pari-mutuel distributions are made at the conclusion of the tournaments the based on the pari-mutuel distribution schedule published by the licensee in advance of the opening of the contest.

(3) Exacta Box Tournament:

- a. Players select three (3) primary betting interest for each designated tournament race.
- b. Players may select an alternate betting interest for each of their three (3) primary selections. If there is a scratch of the player's primary selection, the alternate will be substituted. If there is also a scratch of the player's alternate selection, or if no alternate selection has been made, the selection will default to the remaining betting interest with the best post time odds as determined by win pool odds.

- c. Players accrue earnings based on the actual pari-mutuel exacta payout for any correct selections regardless of order, determined from tote payouts, based on a mythical exacta wager of a dollar value established by the licensee in advance of the contest. The licensee may establish maximum mythical earnings in advance of the opening of the contest.
- d. In the discretion of the licensee, tiebreakers may be applied in Exacta Box Tournaments pursuant to the terms published in advance of the opening of the tournament.
- e. Pari-mutuel distributions are made at the conclusion of the tournaments the based on the pari-mutuel distribution schedule published by the licensee in advance of the opening of the contest.
- g. A fantasy wager on a coupled entry or field is considered a wager on the remaining part of the coupled entry or field as determined by the rules of the live corresponding race.
- h. Earnings or points for dead heats will be determined by the payouts of the live corresponding race.
- i. The takeout and its distribution for the Tournament Wager shall be set and approved by the host regulatory commission.
- j. All tickets shall be refunded if all races comprising the Tournament Wager are canceled or declared as a no contest. The entire pool shall be refunded if less than seventy percent (70%) of the tournament's designated races remain.
- k. After wagering closes on the first race comprising the Tournament Wager, the tournament shall be deemed closed and no entry ticket shall be sold, exchanged, or canceled. No person shall be determined to hold a winning Tournament Wager ticket until the last designated race has been declared official.
- l. The licensee shall distribute the net pool to the holders of valid tickets that correctly selected the combination of finishers that generated the highest fantasy earnings or points totals through the designated races/rounds comprising the Tournament Wager. In advance of the opening of the tournament, the licensee shall submit a payout schedule to the racing commission for approval providing the number of places to be paid and the percentage of payout for each place. Approved payout schedules shall be published in advance of the opening of the tournament to which they apply.

m. Should circumstances occur which are not addressed by these rules, questions arising thereby shall be resolved in accordance with general pari-mutuel practice. Decisions regarding distribution of the Tournament Wager pool made by the commission are final.

78. Refunds. Unless otherwise provided, after wagering has commenced, if a horse not coupled with another as a betting interest is excused by the stewards or is prevented from racing because of failure of the starting gate door to open properly, the wagers on such horse must be deducted from the pools, and refunded upon presentation and surrender thereof. If more than one horse represents a single betting interest by reason of coupling as a mutuel entry or mutuel field, such single betting interest being the sole subject of a wager or part of a combination then there may be no refund unless all of the horses representing such single betting interest are excused by the stewards or are prevented from racing because of failure of the starting gate doors to open properly, or both.
89. Race canceled. If for any reason a race is canceled or declared "no race" by the stewards after wagering has commenced on such race, then all wagering thereon must be refunded upon presentation and surrender of pari-mutuel tickets thereon; except as otherwise provided.
910. Totalizator breakdown. In the event of an irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race must be declared closed and the payoff must be computed on the sums wagered in each pool up to the time of the breakdown.

History: Effective July 1, 1989; amended effective January 1, 2008; July 1, 2011;

General Authority: NDCC 53-06.2-05

Law Implemented: NDCC 53-06.2-06, 53-06.2-10, 53-06.2-10.1, 53-06.2-11

**CHAPTER 69.5-01-08
PARI-MUTUEL WAGERING SYSTEMS**

DRAFT – to be added into **69.5-01-08-02. Totalizator System.**

69.5-01-08-02. Totalizator System.

1. Each association shall install and operate during its meeting a totalizator system approved by the commission and such system must be tested prior to and during the meeting as required by the commission.
2. A licensee that is hosting pools shall use only a totalizator system approved by the commission.
3. A licensee hosting tournament style pools including the Tournament Wager or 123racing Pick-n Wager may elect to calculate pools using its own software and servers suitable for this purpose rather than a licensed totalizator system only if all of the following conditions are met:
 - a. Wagers made into the tournament pool are not comingled with wagers placed through any other entity or any interstate or international combined wagering pools.
 - b. The licensee shall provide a daily report of all tournament wagering activity including such data as requested by the commission or as necessary to comply with statute or administrative rules. The daily reports shall be delivered to the commission's independent auditor or other designated representative no later than 8:00 am eastern time the day following the generation of the wagers in a manner and format designated by the commission.
 - c. The licensee shall establish a real-time data feed with a totalizator company approved by the commission. The data feed shall include the odds feed, stop betting, scheduled post time, and payoffs for any race comprising part of the tournament wager. The data feed may be provided via inter-tote system protocol, web service application program interface, or other method capable of providing the required data as approved by the commission. The licensee shall utilize a secure network for all data communications.
 - d. The licensee shall utilize the stop betting data from the real-time data feed to automatically close wagering. The licensee's system shall also be capable of automatically closing wagering at post time in the event of an interruption in the real-time data feed.
 - e. After close of wagering for a tournament or any race or races comprising the tournament, the licensee shall make all such picks publicly available by immediately post a listing of all selections by player in the tournament.
 - f. The licensee shall obtain all necessary authorizations to allow the commission, its independent auditor, or other designated representative

to obtain pricing data files directly from the host totalizator at a track holding a race which comprises part of the tournament wager. In the event there is a discrepancy between the pricing data of the track host totalizator and the licensee, the licensee shall work directly with the independent auditor to identify and reconcile the error in accordance with 69.5-01-11-04.1.

- g. The licensee shall provide any track holding a race which comprises part of the tournament wager with authorization to view reports from the commission's independent auditor or other designated representative providing the wagering data required to in order to audit licensee payments to the track.
- h. A totalizator company shall provide access to the commission, its independent auditor, or its designated representative to its facility, records, and any other information as required by the commission.
- i. The licensee shall submit a tournament wagering operations plan to the commission for its review and approval. The operations plan shall provide details on all operations specified in this section as well as any additional information requested by the commission. The plan shall provide the following additional information and specifically address how the licensee's operations insure the same level of integrity in the wagering process as required of licensed totalizators pursuant to 65.5-01-11-13 through 69.5-01-11-15 as applicable:

 - (1) Facility safety and security.
 - (2) Hardware operation and security.
 - (3) Software operation and security.
 - (4) Management procedures.
 - (5) Personnel requirements.
 - (6) Reporting and log requirements.

History: Effective July 1, 1989; April 1, 2016; _____
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-10, 53-06.2-11