

**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 for win, place, show, daily double, exacta, quinella, trifecta, pick (n), superfecta, twin trifecta, tri-superfecta, twin superfecta, twin quinella, mad scramble, pick 1-2-3, and pick 1-2-3-4-5, and 123racing Pick-n Wager ©. In each pool there must be a separate and independent calculation and distribution. From each pool there must be deducted by each association the commissions as provided by state law. The remainder of the moneys in the pool constitute the net pool for distribution as payoff to ticketholders as set out in subsections 2 through 418.

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18. 123racing Pick-n Wager ©.

- a. The 123racing Pick-n Wager is a separate pari-mutuel pool wager established by the association 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 rounds have been completed, based on cumulative mythical \$2 win, place, show wagers (a fantasy \$2 Across the Board wager), on one betting interest per wagering race. It is not a parlay and has no connection with or relation to other pools conducted by the association other than the utilization of live race payouts as a means of calculating players' fantasy points.
- b. A valid 123racing Pick-n Wager ticket shall be evidence of a binding contract between the holder of the ticket and the association, and shall constitute an acceptance of 123racing Pick-n Wager provisions and rules contained in this chapter.
- c. A 123racing Pick-n Wager ticket may not be retracted once it has been purchased.
- d. A 123racing Pick-N Wager may be given a distinctive name by the association conducting the meeting, subject to commission approval, and existing license, copyrights, and/or patents.
- e. 123racing Pick-n Wagers shall be conducted as follows:
 - 1) Each player wagers \$2 into the gross pool and selects one betting interest per wagering race.
 - 2) The number of races that complete the wager varies depending on the specifics of "tournament," as determined

by the host racing association, but shall include no less than four (4) races.

- (3) Each round of the "tournament" consists of a mythical \$2 win, place, show wager on one betting interest per race.
- (4) Official program numbers must be used for all wagers. All players are responsible for ensuring each wager is placed correctly.
- (5) Live race payouts are used to calculate players' fantasy point totals.
- (6) As part of the announced tournament rules, and as approved by the commission, the host racing association may opt to cap the maximum odds on all fantasy payouts.
- (7) Each player's fantasy points will be reflected in their cumulative fantasy points total at the end of each race.
- (8) Following a race being declared "official," the actual pari-mutuel pool payout for a fantasy \$2 Across The Board wager will be translated to points and added to a player's cumulative fantasy points total, subject to any odds cap imposed under subdivision (7) above.
- (9) Of the bettors, the player(s) with the highest fantasy points total after the last leg is/are the "winner(s)."
- (10) The net pari-mutuel pool is distributed to the bettors scoring the top three (3) highest scores of all players in the tournament in accord with subsection i. herein below.
- (11) The net pari-mutuel pool shall be distributed in accord with distribution schedule as set forth in the regulation, or as otherwise approved by the commission, at the request of the host racing association.

f. 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.

g. If a selection in any race designates a betting interest that was scratched, excused, or determined by the stewards to be a nonstarter in the race, the fantasy wager will be on the tote favorite in that race.

h. Points for dead heats will be determined by the payouts of the live corresponding race.

- i. The takeout and its distribution for the 123racing Pick-N Wager shall be set and approved by the host regulatory commission, but shall include the distribution of the negotiated proprietary fee.
- j. All tickets shall be refunded if all races comprising the 123racing Pick-n Wager are canceled or declared as a no contest. The entire pool shall be refunded if less than four (4) races are completed and if four (4) or more races are completed the net pool shall be distributed pursuant to subsection i.
- k. After wagering closes on the first race comprising the 123racing Pick-n 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 123racing Pick-n Wager ticket until the last designated race has been declared official.
- l. In accord with the following provisions, the association shall distribute the net pool to the holders of valid tickets that correctly selected the combination of first, second, and/or third place finishers that generated the top three (3) highest point totals through the designated races/rounds comprising the 123racing Pick-n Wager as follows:
- (1) Sixty percent (60%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holder of the pari-mutuel ticket with the wager which has the highest fantasy point total after all races have been completed.
 - (2) Thirty percent (30%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holder of the pari-mutuel ticket with the wager which has the second highest point total after all races have been completed.
 - (3) Ten percent (10%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holder of the pari-mutuel ticket with the wager which has the third highest point total after all races have been completed.
 - (4) If there are two (2) pari-mutuel wagers that equal the highest point total after all races have been completed, ninety percent (90%) of the net amount in the pari-mutuel pool subject to distribution shall be distributed to those ticket holders. Ten percent (10%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of pari-mutuel tickets with wagers which have the third highest point total after all races have been completed.

(5) If there are three (3) pari-mutuel wagers that equal the highest points total after all races have been completed, one hundred percent (100%) of the net amount in the pari-mutuel pool subject to distribution shall be distributed to those ticket holders.

(6) If one (1) pari-mutuel ticket wager scores the highest points total, and two (2) or more pari-mutuel tickets wagers equal the second highest point total after all races have been completed, sixty percent (60%) of the net amount in the pari-mutuel pool subject to distribution shall be distributed to the highest scoring ticket holder, and forty percent (40%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of pari-mutuel tickets which have the second highest points totals after all races have been completed.

(7) If one (1) pari-mutuel ticket wager scores the highest points total, one (1) pari-mutuel ticket wager scores the second highest point total, and two (2) or more pari-mutuel ticket wagers score the third highest point total after all races have been completed, then sixty percent (60%) of the net amount in the pari-mutuel pool subject to distribution shall be distributed to the highest scoring ticket holder, thirty percent (30%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the second highest scoring ticket holder, and ten percent (10%) of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed to the holders of pari-mutuel tickets which have the third highest points total.

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 123racing Pick-n pool made by the stewards is final.

19.18.

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 a 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 mutual entry or mutual 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 as excused by the stewards or are prevented from racing because of failure of the starting gate doors to open properly, or both.

| 20.19. **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.

| 21.20. **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.

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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