
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #20-402(E)

DIGEST

Amends [71 IAC 9-4-7](#) regarding pick (n) pools. Effective July 13, 2020.

[71 IAC 9-4-7](#)

SECTION 1. [71 IAC 9-4-7](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 9-4-7](#) Pick (n) pools

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 7. (a) The pick (n) requires selection of the first place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

- (1) The scheduling of pick (n) contests.
- (2) The designation of one (1) of the methods prescribed in subsection (b).
- (3) The amount of any cap to be set on the carryover.

Any changes to the approved pick (n) format require prior approval from the commission.

(b) The pick (n) pool shall be apportioned under one (1) of the following methods:

(1) For pick (n) with carryover, the net pick (n) pool and land carryover, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. The remainder shall be added to the carryover.

(2) For pick (n) with minor pool and carryover, the major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher of all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. The major share shall be added to the carryover.

(3) For pick (n) with no minor pool and no carryover, the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) For pick (n) with minor pool and no carryover, the major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If the greatest number of first place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) For pick (n) with minor pool and no carryover, the major share of net pick (n) pool shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in all pick (n) contests, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in each of the pick (n) contests. If there are no winning wagers, the pool is refunded.

(6) For pick (n) with minor pool and carryover with a unique wager, the entire net pick (n) pool and carryover, if

any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, and the major shall be added to the carryover.

(c) If there is a dead heat for first in any of the pick (n) contests involving:

- (1) contestants representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred; or
- (2) contestants representing two (2) or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) Should a betting interest in any of the pick (n) contests ~~without a unique wager~~, be scratched, **or is designated to run for purse money only**, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizer shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination. ~~Should a betting interest in any pick (n) contest with a unique wager be scratched, all tickets sold containing the scratched horse shall be refunded. The money thus refunded will be deducted from the gross pool.~~ **Notwithstanding the provisions of this subsection, an association may also obtain authorization from the commission to allow patrons to select an alternate wagering interest in any of the pick (n) contests.**

(e) The pick (n) pool shall be canceled and all pick (n) wagers for the individual performance shall be refunded if:

- (1) at least two (2) contests included as part of a pick 3 are canceled or declared no contest;
 - (2) at least three (3) contests included as part of a pick 4, pick 5, or pick 6 are canceled or declared no contest;
 - (3) at least four (4) contests included as part of a pick 7, pick 8, or pick 9 are canceled or declared no contest;
- or
- (4) at least five (5) contests included as part of a pick 10 are canceled or declared no contest.

(f) If at least one (1) contest included as part of a pick (n) is canceled or declared no contest, but not more than the number specified in subsection (e), the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

(g) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under this rule. After the pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

(h) A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

(i) Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place finisher in each of the pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests. The pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (h).
- (2) Upon written approval from the commission when:
 - (A) there is a change in the carryover cap;

- (B) there is a change from one (1) type of pick (n) wagering to another; or
- (C) the pick (n) is discontinued.

(3) On the closing performance of the meet or split meet.

(j) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

(k) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(l) Providing information to any person regarding:

- (1) covered combinations;
- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(m) The association may suspend previously approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances.

(Indiana Horse Racing Commission; [71 IAC 9-4-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1188; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); readopted filed Aug 28, 2019, 1:23 p.m.: [20190925-IR-071190319RFA](#); emergency rule filed Jul 13, 2020, 4:21 p.m.: [20200715-IR-071200402ERA](#))

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