

1 **ENROLLED**

2 **Senate Bill No. 392**

3 (By SENATORS SNYDER, KLEMPA, YOST AND McCABE)

4 _____
5 [Passed March 4, 2011; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §19-23-3 of the Code of West Virginia,
11 1931, as amended, relating to changing the definition of
12 "accredited thoroughbred horse" to require registration with
13 the West Virginia Thoroughbred Breeders Association.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §19-23-3 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 19. HORSE AND DOG RACING.**

18 **§19-23-3. Definitions.**

19 Unless the context clearly requires a different meaning, as
20 used in this article:

21 (1) "Horse racing" means any type of horse racing, including,
22 but not limited to, thoroughbred racing and harness racing;

23 (2) "Thoroughbred racing" means flat or running type horse

1 racing in which each horse participating is a thoroughbred and
2 mounted by a jockey;

3 (3) "Harness racing" means horse racing in which the horses
4 participating are harnessed to a sulky, carriage or other vehicle
5 and does not include any form of horse racing in which the horses
6 are mounted by jockeys;

7 (4) "Horse race meeting" means the whole period of time for
8 which a license is required by the provisions of section one of
9 this article;

10 (5) "Dog racing" means any type of dog racing, including, but
11 not limited to, greyhound racing;

12 (6) "Purse" means any purse, stake or award for which a horse
13 or dog race is run;

14 (7) "Racing association" or "person" means any individual,
15 partnership, firm, association, corporation or other entity or
16 organization of whatever character or description;

17 (8) "Applicant" means any racing association making
18 application for a license under the provisions of this article or
19 any person making application for a permit under the provisions of
20 this article or any person making application for a construction
21 permit under the provisions of this article;

22 (9) "License" means the license required by the provisions of
23 section one of this article;

24 (10) "Permit" means the permit required by the provisions of

1 section two of this article;

2 (11) "Construction permit" means the construction permit
3 required by the provisions of section eighteen of this article;

4 (12) "Licensee" means any racing association holding a license
5 required by the provisions of section one of this article and
6 issued under the provisions of this article;

7 (13) "Permit holder" means any person holding a permit
8 required by the provisions of section two of this article and
9 issued under the provisions of this article;

10 (14) "Construction permit holder" means any person holding a
11 construction permit required by the provisions of section eighteen
12 of this article and issued under the provisions of this article;

13 (15) "Hold or conduct" includes "assist, aid or abet in
14 holding or conducting";

15 (16) "Racing commission" means the West Virginia Racing
16 Commission;

17 (17) "Stewards" means the steward or stewards representing the
18 Racing Commission, the steward or stewards representing a licensee
19 and any other steward or stewards whose duty it is to supervise any
20 horse or dog race meeting, all as may be provided by reasonable
21 rules of the Racing Commission which rules shall specify the number
22 of stewards to be appointed, the method and manner of their
23 appointment and their powers, authority and duties;

24 (18) "Pari-mutuel" means a mutuel or collective pool that can

1 be divided among those who have contributed their wagers to one
2 central agency, the odds to be reckoned in accordance to the
3 collective amounts wagered upon each contestant running in a horse
4 or dog race upon which the pool is made, but the total to be
5 divided among the first three contestants on the basis of the
6 number of wagers on these;

7 (19) "Pari-mutuel clerk" means any employee of a licensed
8 racing association who is responsible for the collection of wagers,
9 the distribution of moneys for winning pari-mutuel tickets,
10 verification of the validity of pari-mutuel tickets and accounting
11 for pari-mutuel funds;

12 (20) "Pool" means a combination of interests in a joint
13 wagering enterprise or a stake in such enterprise;

14 (21) "Legitimate breakage" is the percentage left over in the
15 division of a pool;

16 (22) "To the dime" means that wagers shall be figured and paid
17 to the dime;

18 (23) "Code" means the Code of West Virginia, 1931, as
19 heretofore and hereinafter amended;

20 (24) "Accredited thoroughbred horse" means a thoroughbred
21 horse that is registered with the West Virginia Thoroughbred
22 Breeders Association and that is:

23 (A) Foaled in West Virginia; or

24 (B) Sired by an accredited West Virginia sire; or

1 (C) As a yearling, finished twelve consecutive months of
2 verifiable residence in the state, except for thirty days' grace:

3 (i) For the horse to be shipped to and from horse sales where
4 the horse is officially entered in the sales catalogue of a
5 recognized thoroughbred sales company, or

6 (ii) For obtaining veterinary services, documented by
7 veterinary reports;

8 (25) "Accredited West Virginia sire" is a sire that is
9 permanently domiciled in West Virginia, stands a full season in
10 West Virginia and is registered with West Virginia Thoroughbred
11 Breeders Association;

12 (26) "Breeder of an accredited West Virginia horse" is the
13 owner of the foal at the time it was born in West Virginia;

14 (27) "Raiser of an accredited West Virginia horse" is the
15 owner of the yearling at the time it finished twelve consecutive
16 months of verifiable residence in the state. During the period,
17 the raiser will be granted one month of grace for his or her horse
18 to be shipped to and from thoroughbred sales where the horse is
19 officially entered in the sales catalogue of a recognized
20 thoroughbred sales company. In the event the yearling was born in
21 another state and transported to this state, this definition does
22 not apply after the December 31, 2007, to any pari-mutuel racing
23 facility located in Jefferson County nor shall it apply after the
24 December 31, 2012, and thereafter to any pari-mutuel racing

1 facility located in Hancock County. Prior to the horse being
2 shipped out of the state for sales, the raiser must notify the
3 Racing Commission of his or her intentions;

4 (28) The "owner of an accredited West Virginia sire" is the
5 owner of record at the time the offspring is conceived;

6 (29) The "owner of an accredited West Virginia horse" means
7 the owner at the time the horse earned designated purses to qualify
8 for restricted purse supplements provided in section thirteen-b of
9 this article;

10 (30) "Registered greyhound owner" means an owner of a
11 greyhound that is registered with the National Greyhound
12 Association;

13 (31) "Fund" means the West Virginia Thoroughbred Development
14 Fund established in section thirteen-b of this article; and

15 (32) "Regular purse" means both regular purses and stakes
16 purses.