

**A new section 4122.47 would be added to 9 NYCRR, as follows:**

**§ 4122.47. Pick-six jackpot pools.**

(a) A winning pick-six jackpot wager requires selection of the first-place finisher in each of six designated, consecutive contests, unless otherwise provided in this section. The association or corporation must obtain written approval from the commission concerning the scheduling of pick-six jackpot contests, the designation of the method used, the bet minimum, the takeout rate, the definition that will be relied upon for determining the existence of a unique winning ticket, the major-minor pool split and the amount of any cap to be set on the carryover. Any changes to the approved pick-six jackpot format require prior approval from the commission.

(b) The pick-six jackpot wager is not a parlay and has no connection or relation to the other betting pools for the respective races. The pick-six jackpot pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, quinella, trifecta, superfecta, pick-six or other wagering pool.

(c) Resale of pick-six jackpot tickets from one individual to another is prohibited, shall be grounds for ejection, and may be deemed illegal gambling.

(d) Races in which pick-six jackpot pools shall be conducted shall be clearly designated in the program and racing cards issued by the association or corporation.

(e) The design of the pick-six jackpot tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(f) *Scratched horses and nonstarters.* Should a programmed starter be scratched or declared a nonstarter in any pick-six jackpot race before the start of the first pick-six jackpot race, affected bettors may select another betting interest, if a wager can be canceled and a replacement wager issued before the start of the first pick-six jackpot race, or may obtain a cancellation of the wager issued before the start of the first race of the pick-six jackpot sequence. If neither option is exercised, then wagers upon such scratched or declared nonstarter shall be deemed wagers upon the designated horse for such race. The designated horse means the betting entry or field upon which the most wagering money has been registered at the track in the win pool at the close of win-pool betting for such race. (In the event of a money tie, the tied betting entry or field with the lowest program number shall be designated.) At any time after wagering begins on the pick-six jackpot pool, should an entire betting entry or field be scratched or declared a nonstarter in any pick-six jackpot race, no further tickets selecting such betting entry or field shall be issued, and wagers upon such betting entry or field, for purposes of the pick-six jackpot pool, shall be deemed wagers upon the designated horse. Wagers in the pick-six jackpot pool upon an entry or field of horses from which a starter or starters may have been scratched will, in the case of such entry or field, be deemed wagers upon the horse or horses remaining in such entry or field, except at tracks with totalisator capability to record wagers selecting a coupled entry (or field) and wagers selecting any individual constituent horses therein (merging such wagers for odds display and payoff purposes), in which case, the wagers upon scratched constituent horses will be deemed wagers upon the designated horse in such race. In case no starter remains representing any betting entry or field, wagers upon such entry or field shall be deemed wagers upon the designated horse in the race affected by the scratch. Should the balance of a betting entry or field race as a non-betting starter for purposes of other pari-mutuel pools, as provided in section 4122.25 of this Article, wagers upon such entry or field shall be deemed wagers upon the designated horse for such race. Should a programmed starter be scratched or declared a nonstarter prior to the start of the first leg, the betting operator shall be authorized to refund any tickets designating betting entries affected thereby prior to such first leg.

(g) *Wagering tickets and winners.* Except as otherwise provided in subdivision (h) of this section:

(1) The pick-six jackpot pool shall be apportioned as follows: The net pick-six jackpot pool and carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first-place finisher in each of the six designated races.

(2) If there is no unique ticket selecting the first-place finisher in all six designated races, the major share of the net pick-six jackpot pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick-six jackpot races, and the minor share shall be added to the carryover.

(3) Should there be no wager selecting the winner of at least one of the pick-six jackpot races, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool.

(4) In obtaining authorization for operating the pick-six jackpot, the association or corporation must clearly identify which of the following two definitions shall apply for determining the existence of a unique winning ticket:

(i) There is one and only one winning ticket that correctly selected the first-place finisher in each of the pick-six jackpot races, to be verified by the unique serial number assigned by the totalisator company that issues the winning ticket; or

(ii) The total amount wagered on one and only one winning combination selecting the first-place finisher in each of the pick-six jackpot races, is equal to the minimum allowable wager.

(h) *Race cancellations.* This subdivision applies except for pick-six jackpot pools in which an intermediate or final distribution is to be made. The net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick-six jackpot races, if one or two pick-six jackpot races are cancelled or declared no race, non-betting or no contest after the first pick-six jackpot race has been made official. The pick-six jackpot pool shall be declared off and the gross pool refunded:

(1) if any designated race is canceled or declared no race or non-betting before the first pick-six jackpot race is made official; or

(2) if three or more pick-six jackpot races are cancelled or declared no race, non-betting or no contest.

(i) [Reserved]

(j) *Dead heats.* Each horse in a dead heat for win shall be considered the winner, and no allocations among wagers shall be made as a result thereof, unlike the practice in a pari-mutuel win pool. The payoff price per dollar shall be the same for each class of winning wager.

(k) *Carryovers.* Carryovers from prior pick-six jackpot pools, advertised guaranteed amounts or advertised added amounts will be distributed to winners in such day's pick-six jackpot pools, provided that there are no cancelled or no-contest races in the pick-six jackpot sequence and no intermediate or final distribution is to be made.

(l) *Intermediate distributions.* Prior to the last two weeks of a race meeting at a track, a date and program approved by the commission may be announced by the track operator at which (provided no one thereafter has the only wager that correctly selects the winners of all six designated races) accumulated carryovers will be added to the net pool distributable to wagers selecting the winners of the most races of the pick six jackpot pool conducted on such program. Distributing the pick-six jackpot carryover requires a written request for permission submitted for Commission approval. The request must contain justification for the distribution, an explanation of the benefit to be derived and intended date of the distribution. If all pick-six jackpot races on the program designated for intermediate distribution are canceled, or the pick-six jackpot pool is refunded, a pick-six jackpot pool shall be conducted on the next available race date with entries not yet carded. If no further programs are conducted at the race meeting, a pick-six jackpot pool shall be conducted on the first program of the next meeting conducted at such track by such track operator to provide for final distribution for such prior meeting. An intermediate distribution also may be directed at any time at the commission's discretion, upon three days' notice by the commission, so long as entries have not yet been carded.

(m) *Final distribution.* The track shall select, with the approval of the commission, a date and program during the final week of the annual assigned racing dates of the track operator, when there shall be a final distribution of all accumulated carryovers. The unique-wager provision of this section (set forth in paragraph (1) of subdivision (g) of this section) shall be suspended, and the entire pool shall be distributed as a single-price pool to those whose selection finished first in the greatest number of pick-six jackpot races. Thereafter, no pick-six jackpot pools are permitted to be conducted during such week. In the event that all pick-six jackpot races on the program designated for final distribution are cancelled, or the pick-six jackpot pool is refunded, and no further programs are conducted at the meeting, the commission shall require that a pick-six jackpot pool be conducted on the first program of the next race meeting conducted at such track by such track operator to provide for final distribution for such prior meeting. The commission also may order a final distribution for an earlier time in the commission's discretion.

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

(o) [Reserved].

(p) In the event of occurrences not encompassed within the explicit provisions of this section, distribution shall be formulated on the basis of established pari-mutuel practice and in accordance with the distribution philosophy set forth in this section; provided, nevertheless, that if full distribution of the pool is made on the basis of outstanding tickets, then the method of formulation announced by the track and the basis upon which payments have been made shall be deemed conclusively correct and not subject to review.

(q) *Posting of winning combinations.* Every pick-six jackpot wagering combination entitled to a payoff shall be posted publicly by the track operator together with the payoff price.

(r) *Non-transferability.* Pick-six jackpot tickets shall be nontransferable, and violations of this subdivision may lead to confiscation and cancellation of such tickets in addition to other disciplinary action.

(s) *Betting information.* Unless otherwise ordered by the commission, information concerning combinations wagered upon or not wagered upon in a pick-six jackpot pool shall not be disclosed by the totalisator operator, or otherwise, until the final pick-six jackpot race remains as the only race to be contested for completion of the pick-six jackpot wager. The operation of the totalisator equipment and reports generated thereby, as well as the communication of any information concerning such pool, shall be subject to the strict supervision of the commission.

(t) *No reduction in guaranteed distributions.* Advertised added monies or minimum distributions shall not apply to intermediate or final distributions, unless a wager correctly selects winners of all six designated races, or five winners and no more than one all-win of the pick-six pool. A guaranteed minimum distribution or guaranteed added money amount, once advertised, may not be reduced and shall continue to be guaranteed by the track operator for every pick-six pool for the balance of the meeting.

(u) *Interfacing of off-track wagers.* Interfacing of off-track wagers shall be accomplished according to procedures approved by the commission. In the event there is a failure to interface all such wagers with on-track wagers in accordance with such procedures, the procedure for distribution of the pool and computation of payoff prices shall be approved by the commission.

(v) *Trust funds.* Carry-over monies shall be held in a separate account in trust by track operators for the benefit of participants in pick-six pools until distributed.

(w) *Seed money or insurance allocation.* A percentage designated by the track operator and approved by the commission, not exceeding two percent of the total daily pick-six jackpot pool wagering, shall be held apart by the track operator from the takeout of each pick-six jackpot pool to reimburse such track operator for the cost of any insurance it may secure to guarantee minimum distributions to winners of such pools, or to reimburse a track operator for funds such track operator expends for added money or guaranteed minimum distributions to winners of such pools. Any accumulation of such allocations not necessary to reimburse a track for expenditures actually incurred for such purposes shall be added to the amounts distributable in the pool designated for final distribution for the meeting.

(x) Copies of this section shall be made available free of charge by the track to the public in the public betting area of the track.