

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (New Administrative Regulation)

4 810 KAR 4:001. Definitions.

5 RELATES TO: 810 KAR Chapter 4

6 STATUTORY AUTHORITY: KRS 230.215, 230.260(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the commission the  
8 authority to regulate conditions under which thoroughbred racing shall be conducted in  
9 Kentucky. KRS 230.260(8) grants the commission the authority to prescribe necessary and  
10 reasonable administrative regulations and conditions under which horse racing at a horse race  
11 meeting shall be conducted in this state. This administrative regulation defines the terms used  
12 in 810 KAR Chapter 4.

13 Section 1. Definitions.

14 (1) "Added money" means the amount of money, exclusive of trophy, added into a stakes  
15 race by an association, a sponsor, a state-bred program, or other fund, and which is in addition  
16 to stakes fees paid by subscribers.

17 (2) "Age" means the number of years since a horse was foaled, reckoned as if the horse  
18 was foaled on January 1 of the year in which the horse was foaled.

19 (3) "Allowance race" means a race in which contestants receive weight allowance based  
20 on performance or winnings as stipulated in the conditions of the race.

1 (4) "Also eligible" means in flat racing an eligible horse, properly entered, which is not  
2 drawn for inclusion in a race, but which becomes eligible according to preference or lot if  
3 another horse is scratched prior to the scratch time deadline.

4 (5) "Appeal" means a request for the commission to investigate, consider, and review any  
5 decision or ruling of a steward or judge or official of a meeting.

6 (6) "Arrears" means all sums due by a licensee as reflected by his or her account with the  
7 horsemen's bookkeeper, including subscriptions, jockey fees, driver fees, forfeitures, and any  
8 default incident to Title 810 KAR.

9 (7) "Association" is defined by KRS 230.210(1).

10 (8) "Authorized agent" means in flat racing any person currently licensed as an agent for a  
11 licensed owner, jockey, or jockey apprentice by virtue of notarized appointment of agency filed  
12 with the commission.

13 (9) "Calendar days" means consecutive days counted irrespective of number of racing  
14 days.

15 (10) "Claiming race" means a race in which ownership of a horse participating in the race  
16 may be transferred in conformity with 811 KAR 4:050.

17 (11) "Closing" means the time published by the association after which entries for a race  
18 will not be accepted by the racing secretary.

19 (12) "Coggins test" means a blood test used to determine if a horse is positive for Equine  
20 Infectious Anemia.

21 (13) "Commission" means:

1 (a) The Kentucky Horse Racing Commission (formerly known as the Kentucky Horse Racing  
2 Authority and defined in KRS 230.210(2)) if used in the context of the administrative agency  
3 governing horse racing and pari-mutuel wagering; and

4 (b) The amount an association is authorized to withhold from a pari-mutuel wager  
5 pursuant to KRS 230.3615, if used in the context of pari-mutuel wagering.

6 (14) "Conditions" means qualifications that determine a horse's eligibility to be entered in  
7 a race.

8 (15) "Coupled entry" means two (2) or more horses in a race that are treated as a single  
9 betting interest for pari-mutuel wagering purposes.

10 (16) "Day" means any twenty-four (24) hour period beginning at 12:01 a.m. and ending at  
11 midnight.

12 (17) "Declaration" means in flat racing the withdrawal of a horse entered in a race prior to  
13 time of closing of entries for the race in conformance with 810 KAR 4:030.

14 (18) "Directive" means an official order issued by the commission or the executive  
15 director.

16 (19) "Disciplinary action" means action taken by the stewards or the commission for a  
17 violation of KRS Chapter 230 or Title 810 KAR and can include:

18 (a) Refusal to issue or renew a license;

19 (b) Revocation or suspension of a license;

20 (c) Imposition of probationary conditions on a license;

21 (d) Issuance of a written reprimand or admonishment;

22 (e) Imposition of fines or penalties;

1 (f) Denial of purse money;

2 (g) Forfeiture of purse money; or

3 (h) Any combination of paragraphs (a) through (g) of this subsection.

4 (20) "Disqualification" means a ruling of the stewards, judges, or the commission revising  
5 the order of finish of a race.

6 (21) "Draw" means the process of determining post positions by lot.

7 (22) "Entry" means the act of nominating a horse for a race in conformance with Title 810  
8 KAR.

9 (23) "Equipment" means in flat racing accoutrements other than ordinary saddle, girth,  
10 pad, saddle cloth, and bridle carried by a horse, and includes whip, blinkers, tongue strap,  
11 muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing  
12 plates or shoes.

13 (24) "Field" or "mutuel field" means a single betting interest involving more than one (1)  
14 horse which is not a mutuel entry.

15 (25) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty,  
16 breach of contract, or alternative ruling of the stewards, judges, or the commission.

17 (26) "Foul" means any action by any jockey or driver that tends to hinder another jockey  
18 or any horse in the proper running of the race.

19 (27) "Handicap race" means in flat racing a race in which the weights to be carried by the  
20 horses are assigned by the association handicapper with the intent of equalizing the chances of  
21 winning for all horses entered in the race.

1 (28) "Horse" means any equine irrespective of age or sex designation and registered for  
2 racing with the applicable breed registry.

3 (29) "Ineligible" means a horse or person not qualified under Title 810 KAR or conditions  
4 of a race to participate in a specified racing activity.

5 (30) "Inquiry" means an investigation by the stewards or judges of a contest prior to  
6 declaring the result of the contest official.

7 (31) "Jockey" means a rider currently licensed to ride in races as a jockey, apprentice  
8 jockey, amateur jockey, or a provisional jockey permitted by the stewards to ride in three (3)  
9 races prior to applying for a license.

10 (32) "Lessee" means a licensed owner whose interest in a horse is a leasehold.

11 (33) "Licensee" means an individual, firm, association, partnership, corporation, trustee,  
12 or legal representative that has been duly issued a currently valid license to participate in racing  
13 in the Commonwealth.

14 (34) "Maiden" means in flat racing a horse which has never won a race at a recognized  
15 meeting in any country.

16 (35) "Meeting" means the entire period of consecutive days, exclusive of dark days,  
17 granted by the commission to a licensed association for the conduct of live horse racing. A  
18 meeting shall begin at 10 a.m. of the first racing day and extend through a period ending one  
19 (1) hour after the last scheduled race of the last day.

20 (36) "Month" means calendar month.

21 (37) "Mutuel entry" means a single betting interest involving two (2) or more horses  
22 entered in the same race and joined for pari-mutuel purposes because of common ties as to

1 ownership or training so that a wager on one (1) horse joined in a mutuel entry is a wager on all  
2 horses joined in the same mutuel entry.

3 (38) "Nominator" means the person in whose name a horse is entered for a stakes race.

4 (39) "Objection" means a verbal claim of foul in a race lodged by the horse's jockey,  
5 driver, trainer, or owner before the race is declared official.

6 (40) "Official order of finish" means the order of finish of the horses in a contest as  
7 declared official by the stewards or judges.

8 (41) "Official time" means the elapsed time from the moment the first horse crosses the  
9 timing beam until the first horse crosses the finish line.

10 (42) "Owner" means any person who holds, in whole or in part, any right, title, or interest  
11 in a horse, or any lessee of a horse, who has been duly issued a currently valid owner's license  
12 as a person responsible for the horse.

13 (43) "Pari-mutuel wagering," "mutuel wagering", or "pari-mutuel system of wagering"  
14 each means a system or method of wagering approved by the commission in which patrons are  
15 wagering among themselves and not against the association and amounts wagered are placed  
16 in one or more designated wagering pools and the net pool is returned to the winning patrons.

17 (44) "Post" means the starting point of a race.

18 (45) "Post position" means the relative place assigned to each horse, numbered from the  
19 inner rail across the track at the starting line, from which each horse is to start a race.

20 (46) "Post time" means the advertised moment scheduled for the arrival of all horses at  
21 the starting point for a race.

1           (47) "Protest" means a written objection charging that a horse is ineligible to race, alleging  
2 improper entry procedures, or citing any act of an owner, trainer, driver, or official prohibited  
3 by rules, which, if true, would exclude that horse or driver from racing.

4           (48) "Purse" means the gross cash portion of the prize for which a race is run.

5           (49) "Purse race" means any race for which entries close at a time designated by the  
6 racing secretary, and for which owners of horses entered are not required by its conditions to  
7 contribute money toward its purse.

8           (50) "Race" means a running contest between horses, ridden by jockeys or driven by  
9 drivers at a recognized meeting, during regular racing hours, for a prize.

10          (51) "Race day" means any period of twenty-four (24) hours beginning at 12:01 a.m. and  
11 ending at midnight in which live racing is conducted by an association.

12          (52) "Racing official" means a racing commission member, commission staff, as duties  
13 require, and all association racing department employees, as duties require.

14          (53) "Recognized meeting" means any meeting with regularly scheduled live horse races,  
15 licensed by and conducted under administrative regulations promulgated by a governmental  
16 regulatory body, and conducted with the applicable breed registry.

17          (54) "Registration certificate" means the document, racing permit, or virtual certificate  
18 issued by the appropriate breed registry identifying the horse for racing.

19          (55) "Result" means the part of the official order of finish in a race used to determine the  
20 pari-mutuel payoff of pools.

21          (56) "Rulings" means all determinations, decisions, or orders of the stewards or of the  
22 commission duly issued in writing and posted.

1 (57) "Scratch" means the withdrawal of a horse entered for a race after the time of closing  
2 of entries for the race.

3 (58) "Scratch time" means the time set by the racing secretary as a deadline for horsemen  
4 to indicate their desire to scratch out of a race.

5 (59) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn  
6 from a horse for chemical testing.

7 (60) "Stakes" mean all fees paid by subscribers to an added-money or stakes race for  
8 nominating, eligibility, entrance, or starting, as may be required by the conditions of the race,  
9 with the fees to be included in the purse.

10 (61) "Stakes race" means a race which closes more than seventy-two (72) hours in  
11 advance of its running and for which subscribers contribute money towards its purse

12 (62) "Starter" means either:

13 (a) An official who dispatches the horses from the starting gate; or

14 (b) A horse in a race when the starting gate doors open in front of it at the moment the  
15 starter dispatches the horses for the race.

16 (63) "Steward" means a duly appointed racing official with powers and duties specified in  
17 810 KAR 2:040 serving at a current meeting in the Commonwealth.

18 (64) "Subscription" means nomination or entry of a horse in a stakes race.

19 (65) "Suspended" means withdrawal of racing privileges by the stewards or commission.

20 (66) "Thoroughbred racing" is defined by KRS 230.210(3).

21 (67) "Tote" or "tote board" means the totalizator.

22 (68) "Unplaced" means a horse that finishes a race outside the pari-mutuel payoff.



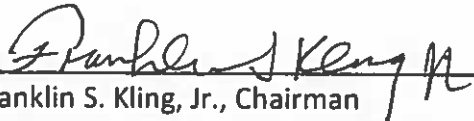
1           (69) "Walkover" means a race in which the only starter or all starters represent single  
2 ownership.

3           (70) "Weigh in" means in flat racing the presentation of a jockey to the clerk of scales for  
4 weighing after a race.

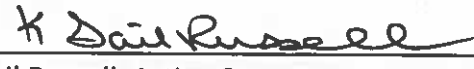
5           (71) "Weigh out" means in flat racing the presentation of a jockey to the clerk of scales for  
6 weighing prior to a race.

810 KAR 4:001

READ AND APPROVED:

  
\_\_\_\_\_  
Franklin S. Kling, Jr., Chairman  
Kentucky Horse Racing Commission

11/12/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
K. Gail Russell, Acting Secretary  
Public Protection Cabinet

11/13/18  
\_\_\_\_\_  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 28, 2018 at 10:00 a.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by no later than five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

**CONTACT PERSON:** John L. Forgy  
General Counsel  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Phone: (859) 246-2040  
Facsimile: (859) 246-2039  
Email: [John.Forgy@ky.gov](mailto:John.Forgy@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No.: 810 KAR 4:001  
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2040; Email: John.Forgy@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions for terms used in 810 KAR Chapter 4.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that various terms used in 810 KAR Chapter 4 are defined properly and precisely.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This regulation sets forth defined terms that are used in the regulations in 810 KAR Chapter 4.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the Commission's statutory mandate to prescribe the conditions under which horse racing is conducted in the Commonwealth by defining terms used in 810 KAR Chapter 4.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's licensed race tracks and all individual licensed participants in horse racing are potentially affected by this administrative regulation's establishment of definitions pertaining to the conduct of racing. In the year 2017,

the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensed racing associations and individual participants in horse racing will be required to adhere to the requirements and rules set forth in the regulations in Title 810 KAR pertaining to horse racing. This administrative regulation defines terms that appear in 810 KAR Chapter 3.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Participants in racing will benefit from clearly defined rules that enhance the integrity of racing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the Commission.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any current fees to participate.

**(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering was not applied because this amended regulation will apply to all similarly situated entities in an equal manner.**

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.: 810 KAR 4:001  
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2040; Email: John.Forgy@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.260.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral  
Expenditures (+/-): Neutral  
Other Explanation: None