

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (Amendment)

4 810 KAR 4:001. Definitions for 810 KAR Chapter 4.

5 RELATES TO: KRS Chapter 230

6 STATUTORY AUTHORITY: KRS 230.215, 230.260(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes~~[grants]~~ the
8 Kentucky Horse Racing Commission ("commission")~~(commission the authority)~~ to regulate
9 conditions under which thoroughbred racing shall be conducted in Kentucky. KRS 230.260(8)
10 authorizes~~[grants]~~ the commission ~~[the authority]~~ to prescribe necessary and reasonable
11 administrative regulations and conditions under which horse racing at a horse race meeting shall
12 be conducted in Kentucky~~[this state]~~. This administrative regulation defines the terms used in
13 810 KAR Chapter 4.

14 Section 1. Definitions.

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

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

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

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

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

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

11 (7) "Association" is defined by KRS 230.210~~(5)~~.

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

15 (9) "Calendar days" means consecutive days counted irrespective of number of racing
16 days.

17 (10) "Claiming race" means a race in which ownership of a horse participating in the race
18 may be transferred in conformity with 810~~[811]~~ KAR 4:050.

19 (11) "Closing" means the time published by the association after which entries for a race
20 are not accepted by the racing secretary.

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

1 (13) "Commission" is defined in 810 KAR 6:001. ~~[means:~~

2 ~~(a) The Kentucky Horse Racing Commission if used in the context of the administrative~~
3 ~~agency governing horse racing and pari-mutuel wagering; or~~

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
7 in 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 parimutuel wagering purposes.

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

12 (17) "Declaration" means in flat racing the withdrawal of a horse entered in a race prior
13 to 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 KAR Title 810 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
5 revising 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 KAR Title
8 810.
- 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 riding crop], 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, which is not a mutuel entry,
14 involving more than one (1) horse.
- 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 that 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 begins at 10 a.m. of the first racing day and extend through a period ending one (1) hour
19 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 parimutuel 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 as
12 a person responsible for the horse.

13 (43) "Parimutuel wagering", "mutuel wagering", or "parimutuel system of wagering" is
14 defined in 810 KAR 6:001. [~~each means a system or method of wagering approved by the~~
15 ~~commission in which patrons are wagering among themselves and not against the association~~
16 ~~and amounts wagered are placed in one (1) or more designated wagering pools and the net pool~~
17 ~~is returned to the winning patrons.~~]

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

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

21 (46) "Post time" means the advertised moment scheduled for the arrival of all horses at
22 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 racing
6 secretary, and for which owners of horses entered are not required by its conditions to contribute
7 money toward its purse.

8 (50) "Race" means a running contest between horses^[77], 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 parimutuel payoff of pari-mutuel 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 required by the conditions of the race, with the
9 fees to be included in the purse.

10 (61) "Stakes race" means a race that closes more than seventy-two (72) hours in advance
11 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 established
17 in 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~~(21)~~.

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
6 for weighing prior to a race.

810 KAR 4:001
READ AND APPROVED:



2/16/2021

Jonathan Rabinowitz

Date

Chair, Kentucky Horse Racing Commission



2/15/2021

Kerry Harvey

Date

Secretary, Public Protection Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at May 24, 2021 at 9:00 AM at Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511 via Zoom. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 canceled. 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 PM on May 31, 2021. 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: Jennifer Wolsing

Title: General Counsel

Address: Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, KY 40511

Phone: +1 (859) 246-2040

Fax: +1 (859) 246-2039

Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 810 KAR 4:001

Contact Person: Jennifer Wolsing

Phone: +1 (859) 246-2040

Email: jennifer.wolsing@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 amendment will alter the definitions of "commission" and "pari-mutuel wagering, mutuel wagering, or pari-mutuel system of wagering," so that they cross-reference the definitions for those terms found in 810 KAR 6:001. In addition, this amendment includes a variety of other minor language modifications that are intended to ensure clarity and consistency throughout the Commission's authorizing statutes and accompanying regulations.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to ensure consistency and a lack of conflict between the Commission's regulations and Senate Bill 120, which was recently enacted by the Kentucky General Assembly and signed into law by Governor Beshear.

(c) How the amendment 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 amendment ensures consistency and a lack of conflict between the Commission regulations addressing those conditions, and Senate Bill 120, which was recently enacted by the Kentucky General Assembly and signed into law by Governor Beshear.

(d) How the amendment will assist in the effective administration of the 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 amendment ensures consistency and a lack of conflict between the Commission regulations addressing those conditions, and Senate Bill 120, which was recently enacted by the Kentucky General Assembly and signed into law by Governor Beshear.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This proposed amendment will affect the five currently-licensed thoroughbred racing associations in the Commonwealth and any applicant for a thoroughbred, flat, and/or steeplechase racing association license.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: No additional action is required at this time.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation, as amended, is not anticipated to generate any new or additional costs.

(c) As a result of compliance, what benefits will accrue to the entities: 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: This regulation, as amended, is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This regulation, as amended, is not anticipated to generate any new or additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation, as amended, is not anticipated to generate any new or additional costs.

(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: This regulation, as amended, is not anticipated to generate any new or additional costs.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation, as amended, is not anticipated to generate any new or additional costs.

(9) TIERING: Is tiering applied? Explain why or why not. No. This regulation, as amended, treats all impacted entities the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 810 KAR 4:001
Contact Person: Jennifer Wolsing
Phone: +1 (859) 246-2040
Email: jennifer.wolsing@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, 230.225, 230.261, 230.361, and 230.370.

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

(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.

(4) Revenues (+/-): Neutral

(5) Expenditures (+/-): Neutral

(6) Other Explanation: None

REGISTRATION STATEMENT
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17. The applicant certifies that the information provided in this registration statement is true and correct to the best of the applicant's knowledge and belief, and that the applicant is not aware of any facts or circumstances which, if known, would make the information provided in this registration statement false or misleading.

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