

Compiler's note: A nonsubstantive change was made by the Compiler pursuant to KRS 13A.040(9).

**Technical Amendment
April 2, 2021**

810 KAR 2:060. Owners' authorized agents and jockey agents.

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) vests the Kentucky Horse Racing Commission with the authority to promulgate regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth. 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 administrative regulation establishes the requirements for authorized owner and jockey agents.

Section 1. Agents Permitted. A licensed owner, jockey, or apprentice jockey may authorize another person as an agent to act on the licensee's behalf in matters pertaining to racing in this state and transfer of horses on association grounds, provided the authorization is in writing and defines the powers, limits, and term of the agency.

Section 2. License Required. No person shall act as agent on behalf of another licensee in a matter pertaining to racing in this state, or in the transfer of horses on association grounds, without a current license.

Section 3. Owners' Authorized Agents.

(1) If an authorized agent acts on behalf of more than one (1) owner, a separate agent license shall be obtained by each owner.

(2) An owner seeking to act through an authorized agent shall submit a completed Authorized Agent License Application, KHRC 2-060-01. An application submitted by an owner for an authorized agent license shall be accompanied by the original written agency appointment, signed by the owner and notarized.

(3) If the agency appointment is other than one authorizing broad general powers and qualifies or limits powers of the agent to act on behalf of the principal, then the license, if issued, shall indicate the limitation by the word "qualified" or "limited."

(4) No racing official shall permit an authorized agent whose license indicates a qualified or limited agency to act as an authorized agent until the racing official has inspected a copy of the agency appointment and ascertains whether the act is empowered by agency.

(5) Unless precluded by specified limitations in the agency appointment, a licensed authorized agent may perform on behalf of the licensed owner acts related to racing in this state or transfer of horses on association grounds that could be performed by the principal had the principal been present. In executing a document on behalf of the principal, an authorized agent shall clearly indicate he or she is acting as an authorized agent and shall specify the principal for whom he or she is acting. When an authorized agent enters a claim for the account of a principal for whom he or she is licensed as an authorized agent, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip.

Section 4. Jockey Agents.

(1) No jockey agent shall make engagements for more than two (2) riders. No rider shall be represented by two (2) jockey agents at one (1) time.

(2) No person other than a licensed jockey agent shall make riding engagements for a rider, except that a jockey not represented by an agent may make his own riding engagements. A person permitted to make a riding engagement for a rider shall maintain in his or her possession an engagement book and shall record all riding engagements made, which shall be subject to examination by the stewards at any time. No jockey agent shall enter the jockey room, paddock, or racing strip during the hours of racing.

(3) A dispute arising from a conflict of claims for the services of a rider shall be determined by the stewards on the basis of written records submitted by the parties involved.

Section 5. Termination of Agency. An agency shall remain in effect until written notification of revocation from the principal is received by the commission. If a jockey agent is dismissed by his employer, or if a jockey agent discontinues making engagements for a rider, then the jockey agent shall immediately notify the stewards and turn over to the clerk of scales a list of any unfulfilled engagements the jockey agent may have made for the rider.

Section 6. Incorporation by Reference.

(1) ~~[The following material is incorporated by reference:~~

~~(a)]~~ "Authorized Agent License Application", KHRC 2-060-01 11/2018, is hereby incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the KHRC Web site at <http://khrc.ky.gov>. (45 Ky.R. 1880; 3087; eff. 5-31-2019; TAm eff. 4-2-2021.)