

810 KAR 2:090. Temporary unsuitability of licensed premises.

RELATES TO: KRS Chapter 230

STATUTORY AUTHORITY: KRS 230.215(2), 230.225(5), 230.260(8), 230.361(1), 230.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission to regulate conditions under which thoroughbred racing shall be conducted in Kentucky. KRS 230.260(8) authorizes the commission to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state. This administrative regulation establishes procedures for use of an off-site facility if a racing association's licensed premises becomes temporarily unsuitable for its intended use.

Section 1. If any Kentucky racing association's licensed premises is temporarily rendered unsuitable for its intended use, an association may, with commission authorization pursuant to KRS 230.300(11), occupy an alternate facility during the period that its licensed premises is temporarily unsuitable, if the alternate facility meets the following conditions:

(1) The alternate facility shall be within a sixty (60) mile radius of the racing association's track but not contiguous to track premises; and

(2) The alternate facility shall not be within a sixty (60) mile radius of another racing association's licensed premises where live racing is conducted and shall not be within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area. (46 Ky.R. 2850; 47 Ky.R. 319; eff. 8-25-2020.)