

810 KAR 5:020. Eligibility and classification.

RELATES TO: KRS 230.215, 230.260

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for the eligibility and classification of horses for races and medical tests required.

Section 1. Electronic Eligibility.

(1) A horse shall not be permitted to start in any betting or non-betting race, qualifying race, time trial, or official workout without first securing an electronic eligibility certificate.

(2) The race secretary shall check each electronic eligibility certificate to certify each horse's eligibility to a race.

Section 2. Racing Season and Recorded Winnings. For purposes of eligibility, a racing season or racing year shall be the calendar year.

Section 3. Sale or Lease during Eligibility Year. If a horse is sold or leased after an electronic eligibility certificate is issued for the current year, the seller or the authorized agent of the seller shall endorse the transfer of the eligibility certificate to the new owner or lessee. The transfer shall be effective upon electronic transfer of the electronic registration certificate by the clerk of the course. Any sale or lease of a horse shall be recorded with the United States Trotting Association.

Section 4. Leased Horses. A horse on lease shall race in the name of the lessee. An electronic eligibility certificate shall not be issued to a horse under lease unless a copy of the lease is filed with the association. For purposes of issuance of electronic eligibility certificates or transfers of ownership, or both, a lease for an indefinite term shall be considered terminable at the will of either party unless extended or reduced to a term certain by written documentation executed by both the lessor and lessee.

Section 5. Correction of Electronic Eligibility Certificate. A correction of an electronic eligibility certificate shall be made only by a representative of the United States Trotting Association or a licensed official.

Section 6. Tampering with Electronic Eligibility Certificates. A person who tampers with an electronic eligibility certificate shall be charged with a violation pursuant to 810 KAR 8:030.

Section 7. Denial of Electronic Eligibility Certificate. An eligibility certificate may be denied to any person who fails to comply with Title 810 KAR and the provisions of KRS Chapter 230 relating to harness racing.

Section 8. Time Bars. A time record or bar shall not be used as an element of eligibility.

Section 9. Conflicting Conditions. If there are conflicting published conditions and neither is withdrawn by the association, the conditions more favorable to the nominator shall govern.

Section 10. (1) Standards for Overnight Events. The racing secretary shall prescribe stand-

ards to determine whether a horse is qualified to race in overnight events at a meeting. The standards shall be posted where declarations are made and shall be printed on all condition and qualifying sheets.

(2) If time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two (2) seconds allowance in relation to pacers.

Section 11. Posting of Overnight Conditions.

(1) At meetings other than extended pari-mutuel meetings, conditions for overnight events shall be posted at least eighteen (18) hours before entries close.

(2) At extended pari-mutuel meetings where races are held five (5) or more days per week, condition sheets shall be prepared. A condition sheet containing at least three (3) days racing programs shall be publicly available at least (3) days prior to entries being taken on any race program contained in the condition sheet. Conditions shall be clearly stated in all condition sheets and shall not state that conditions are TBA (To Be Announced).

(3) The race secretary shall forward copies of each condition book and overnight sheet to the presiding judge as soon as they are available to the public.

Section 12. Types of Races to be Offered.

(1) A racing program shall offer exclusively the following types of races:

- (a) Stakes and futurities;
- (b) Early closing and late closing events;
- (c) Condition races;
- (d) Claiming races; and
- (e) Preferred races limited to the fastest horses at the meeting.

(2) Preferred races may be free-for-all races or invitationals.

(3) A two (2) year old or three (3) year old horse shall not be eligible to be placed on the preferred or invitational list to race against older horses until it has won at least seven (7) races, unless requested by the owner or authorized agent and approved by the race secretary. The owner or authorized agent may withdraw the request at his or her discretion.

Section 13. Limitation on Conditions. A condition shall not be written so as to deprive a horse of an opportunity to race in normal preference cycles. More than three (3) also eligible conditions shall not be used in writing the conditions of an overnight event.

Section 14. Dashes and Heats. A dash or heat shall be considered a separate race for the purposes of conditioned racing.

Section 15. Selection or Drawing of Horses. For any overnight event, each starter and also eligible shall be drawn by lot from those properly declared in, except that a race secretary shall establish a preference system for races as provided in 810 KAR 5:060, Section 24. However, if necessary to fill a card, a maximum of one (1) race per day shall be divided into a maximum of two (2) divisions after preference has been applied. The divisions shall be selected by the racing secretary. For all other overnight races that day that are divided, the division shall be by lot unless the conditions provide for a division based on performance, earnings, sex, or claiming price.

Section 16. Rejection of Declaration Based Upon Past Performance. The racing secretary may reject the declaration on any horse whose past performance information falls below the competitive level of other horses declared.

Section 17. Substitute and Divided Races.

(1) Substitute races may be provided for each day's program and shall be so designated. A substitute race or a race divided into two (2) divisions shall be used only if regularly scheduled races fail to fill.

(2) If a race fills, it may be carried over one (1) day with the permission of the presiding judge.

Section 18. Qualifying Races. A horse that qualifies in a qualifying race shall not be deprived of its right to start in any race.

Section 19. Equine Infectious Anemia.

(1) A horse that has been determined, by means of a "Coggins test" administered by an approved laboratory, to be infected with or a carrier of equine infectious anemia shall not be permitted to race or be stabled at a licensed track.

(2) A horse shall not be permitted to enter or remain upon the grounds of any association where race meetings are conducted at any time unless a certificate is presented to an association representative certifying that the horse has been given a "Coggins test" during the past twelve (12) months, and that the result of the test was negative. The certificate shall properly identify the horse by tattoo number, freeze brand, or other commission-approved means of identification.

(3) A horse shall not start in a race unless a negative "Coggins" test written certificate for that horse is furnished to the race secretary, as required by subsection (2) of this section.

(4) An electronic eligibility certificate shall not be issued for a horse for which a positive "Coggins Test" has been reported. If an electronic eligibility certificate is issued for a horse that is later determined to be infected with, or to be a carrier of, equine infectious anemia, the presiding judge shall immediately notify the United States Trotting Association. (45 Ky.R. 1944; eff. 5-31-2019.)