

811 KAR 2:010. Definitions.

RELATES TO: KRS Chapter 230

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the commission the authority to regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. KRS 230.260(8) grants the commission the authority to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state. KRS 230.361(1) requires the commission to promulgate administrative regulations governing and regulating mutuel wagering on horse races under the pari-mutuel system of wagering. This administrative regulation defines the terms used in 811 KAR Chapter 2.

Section 1. Definitions. (1) "Added money" means cash, exclusive of trophy or other award, added by the association to stake fees paid by subscribers to form the total purse for a stakes race.

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

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

(4) "Appaloosa horse" means a horse duly registered with the Appaloosa Horse Club, Inc., Moscow, Idaho.

(5) "Arabian horse" means a horse duly registered with the Arabian Horse Club Registry of America.

(6) "Arrears" means money due for entrance fees, jockey fees, nomination or supplemental fees in stake races, fines, purchase money in claiming races, and any default incidental to 811 KAR Chapter 2.

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

(8) "Authorized agent" means an agent appointed by a notarized document signed by the owner or jockey and filed annually with the commission.

(9) "Betting interest" means a single horse or more than one (1) horse joined as a mutuel entry or joined in the mutuel field, on which a single pari-mutuel wager may be placed.

(10) "Bleeder" means any horse known to have bled internally or from its nostrils during a workout or race.

(11) "Breakage" means the net pool minus the payout.

(12) "Bred" means the place at which a horse is foaled.

(13) "Breeder" means the owner of the dam of a horse when serviced.

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

(15) "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with 811 KAR Chapter 2.

(16) "Claiming race" means any race in which every horse running in the race may be transferred in conformity with 811 KAR Chapter 2.

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

(18) "Commission" means:

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

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

(19) "Corrupt practice" means any attempt to enrich oneself or one's associates or gain an advantage, through unfair, unlawful, or dishonest behavior in connection with the racing of horses.

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

(21) "Dead heat" means a finish of a race in which the noses of two (2) or more horses reach the finish line at the same time.

(22) "Declaration" means withdrawal of a horse entered in a race prior to the time of closing of entries for the race in conformance with 811 KAR Chapter 2.

(23) "Designated area" means any enclosed area that the commission has approved for the location of terminals used for wagering on an historical horse race.

(24) "Directive" means an official order issued by the commission.

(25) "Disciplinary action" means action taken by the stewards or the commission for a violation of KRS Chapter 230 or 811 KAR Chapter 2 and can include:

(a) Refusal to issue or renew a license;

(b) Revocation or suspension of a license;

(c) Imposition of probationary conditions on a license;

(d) Issuance of a written reprimand or admonishment;

(e) Imposition of fines or penalties;

(f) Denial of purse money;

(g) Forfeiture of purse money; or

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

(26) "Disqualification" means an order of the stewards or commission revising the order of finish of a race.

(27) "Entry" means the act of nominating a horse for a race in conformance with 811 KAR Chapter 2.

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

(29) "Exhibition race" means a race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

(30) "Exotic wager" means any pari-mutuel wager placed on a live or historical horse race other than a win, place, or show wager placed on a live horse race.

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

(32) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or alternative order of the stewards or commission.

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

(34) "Free handicap" means a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting in the race.

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

(36) "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers.

(37) "Historical horse race" means any horse race that:

(a) Was previously run at a licensed pari-mutuel facility located in the United States;

(b) Concluded with official results; and

(c) Concluded without scratches, disqualifications, or dead-heat finishes.

(38) "Horse" means a quarter horse, appaloosa, or Arabian registered as such with the Ameri-

can Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc., in Moscow, Idaho, irrespective of age or sex designation.

(39) "Ineligible" means a horse or person not qualified under 811 KAR Chapter 2 or conditions of a race to participate in a specified racing activity.

(40) "Initial seed pool" means a nonrefundable pool of money funded by an association in an amount sufficient to ensure that a patron will be paid the minimum amount required on a winning wager on an historical horse race.

(41) "Jockey" means rider currently licensed to ride in races as a jockey, amateur jockey, or a provisional jockey permitted by the stewards to ride in two (2) races prior to applying for a license.

(42) "Kentucky bred" means a foal dropped by a mare after being bred in Kentucky.

(43) "Kentucky race" means a race in which the contestants are Kentucky bred and foaled horses as stipulated in the conditions of the race.

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

(45) "Licensed premises" means the location and physical plant described in response to question P of the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering" filed for racing to be conducted in 2010. Licensed premises may also include real property of an association, if the association receives approval from the commission for a new location at which live racing will be conducted.

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

(47) "Maiden" means a horse which shows in the Daily Racing Form, the American Quarter Horse Chart Book, or the Appaloosa Chart Book as never having won a race on a track recognized by the commission. A maiden which has been disqualified after finishing first in a race is still a maiden.

(48) "Match race" means a race between two (2) horses for which no other horses are eligible.

(49) "Meeting" means the entire period of consecutive days, exclusive of Sundays and dark days, granted by the commission to a licensed association for the conduct of live horse racing, beginning at 10 a.m. of the first racing day and extending through a period ending one (1) hour after the last scheduled race of the last day.

(50) "Minus pool" means a pari-mutuel pool in which the amount of money to be distributed on winning wagers exceeds the amount of money contained in the net pool.

(51) "Month" means calendar month.

(52) "Mutuel entry" means a single betting interest involving two (2) or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one (1) horse joined in a "mutuel entry" is a wager on all horses joined in the same "mutuel entry."

(53) "Net pool" means the total amount wagered less refundable wagers and takeout.

(54) "Nomination fee" means a fee to keep a horse eligible to run in a stakes race.

(55) "Nominator" means any person in whose name a horse is entered for a stake race.

(56) "Off time" means the moment at which, on signal of the starter, the horses break and run.

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

(58) "Pari-mutuel wagering", "mutuel wagering", or "pari-mutuel system of wagering" each mean a system or method of wagering approved by the commission in which patrons are wagering among themselves and not against the association and amounts wagered are placed in one (1) or more designated wagering pools and the net pool is returned to the winning patrons.

(59) "Patron" means an individual present at a track or a simulcast facility who observes or wa-

gers on a live or historical horse race.

(60) "Payout" means the amount of the net pool payable to an individual patron on his or her winning wager.

(61) "Place" if used in the context of a single position in the order of finish in a race, means second; if used in the context of pari-mutuel wagering, a "place" wager is one involving a payoff on a betting interest which finished first or second in a race; if used in the context of multiple positions in the order of finish in a race, "place or placing" means finishing first, second, or third.

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

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

(64) "Post time" means the time set for the arrival at the starting point of the horses in a race.

(65) "Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

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

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

(68) "Quarter horse" means a horse registered with the American Quarter Horse Association of Amarillo, Texas.

(69) "Race" means a running contest between horses, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

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

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

(72) "Recognized meeting" means any race meeting conducted under jurisdiction of any legally constituted board or commission conducted with approval of the American Quarter Horse Association of Amarillo, Texas, or the Appaloosa Horse Club, Inc., of Moscow, Idaho.

(73) "Recognized tracks" means tracks that are conducting recognized meetings.

(74) "Registration certificate" means the document issued by the American Quarter Horse Association of Amarillo, Texas, or the Appaloosa Horse Club, Inc., of Moscow, Idaho, certifying the name, age, color, sex, pedigree, and breeder of a horse as registered by number with the American Quarter Horse Association or the Appaloosa Horse Club.

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

(76) "Ruled off" means denial of entrance to premises of any association under jurisdiction of the commission.

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

(78) "Schooling race" means a race designed to correct deficiencies in horses before being eligible for entry.

(79) "Scratch" means withdrawal of a horse entered for a race after time of closing of entries for the race in conformance with 811 KAR Chapter 2.

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

(81) "Secretary" means duly appointed and currently serving secretary of the commission.

(82) "Seed pool" means a pool of money funded by patrons wagering on an historical horse race that is used to ensure that all patrons are paid the minimum payout on winning wagers.

(83) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn from a

horse for chemical testing.

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

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

(86) "Starter" means either:

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

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

(87) "Steward" means a duly appointed racing official with powers and duties set out in 811 KAR 2:025 serving at a current meeting in the Commonwealth.

(88) "Subscription" means a fee to keep a horse eligible to run in a stakes race.

(89) "Suspended" means withdrawal by the steward or commission of racing privileges.

(90) "Takeout" means the total amount of money, excluding breakage and any amounts allocated to a seed pool, withheld from each pari-mutuel pool, as authorized by KRS 230.3615 and 811 KAR Chapter 2.

(91) "Terminal" means any self-service totalizator machine or other mechanical equipment used by a patron to place a pari-mutuel wager on a live or historical horse race.

(92) "Totalizator" means the system, including hardware, software, communications equipment, and electronic devices that accepts and processes the cashing of wagers; calculates the odds and prices of the wagers; and records, displays, and stores pari-mutuel wagering information.

(93) "Tote" or "tote board" means the totalizator.

(94) "Trial race" means a race designed primarily to determine the class of competing horses. A trial may be run as a purse race or stakes, or it may be run as a "time trial" with no purse at all. If a trial is run for a purse or stakes so small that the value to the winner is less than fifty (50) dollars, the winning of the race shall not be counted against the winner in calculating the weight he shall carry under the conditions of a subsequent race.

(95) "Unplaced" means a horse finishing a race outside the pari-mutuel payoff.

(96) "Walkover" means race in which the only starter or all starters represent single ownership.

(97) "Weigh in" means presentation of a jockey to the clerk of scales for weighing after a race.

(98) "Weigh out" means a presentation of a jockey to the clerk of scales for weighing prior to a race.

(99) "Weight" means the number of pounds carried or to be carried in a race and includes the jockey, his silks, breeches, and boots, saddle, pad and cloth but excludes the protective helmet, whip, and bridle.

(100) "Workout" means training exercise of a horse on the training track or main track of an association during which the horse is timed for speed over a specified distance.

(101) "Year" means twelve (12) consecutive months beginning with January and ending with December.

Section 2. Severability. In the event that any provision or administrative regulation of this chapter is found to be invalid, the remaining provisions of this chapter shall not be affected nor diminished thereby. (2 Ky.R. 397; eff. 3-10-1976; 4 Ky.R. 592; eff. 8-2-1978; 13 Ky.R. 1910; eff. 6-9-1987; Recodified from 812 KAR 1:010, 6-10-1987; 37 Ky.R. 847; 2872; eff. 7-1-2011.)