

810 KAR 3:050. Simulcast facilities.

RELATES TO: KRS 230.300, 230.377(1), 230.380

STATUTORY AUTHORITY: KRS 230.300(1), 230.380(1), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.300(1) and 230.380(1) require the commission to promulgate administrative regulations establishing criteria for the application and licensure of simulcast facilities. This administrative regulation establishes the criteria for application and licensure of simulcast facilities.

Section 1. Definitions.

- (1) "Applicant" means:
 - (a) A licensed track; or
 - (b) An entity established, and wholly owned, by licensed tracks that have entered in a joint agreement to establish or operate a simulcast facility;
- (2) "Host track" is defined by KRS 230.210(8);
- (3) "Track" is defined by KRS 230.210(22).

Section 2. License Application.

- (1) Prior to commission approval of an application to establish a simulcast facility, an applicant shall submit the information required by the provisions of this section to the commission.
- (2) An applicant shall submit the following information in writing:
 - (a) The name of the applicant;
 - (b) If the applicant is an entity defined by Section 1(1)(b) of this administrative regulation:
 1. The name of the entity;
 2. A copy of the organizational documents;
 3. A copy of the joint agreement;
 4. The location of the principal office; and
 5. The names of the officers and directors; and
 - (c) The name of the county and city in which the applicant intends to locate the simulcast facility.
- (3)
 - (a) The location of any licensed track located within any radius specified in subparagraphs 1 and 2 of this paragraph:
 1. Within fifty (50) miles of any county line of the county in which the simulcast facility will be located;
 2. Greater than fifty (50) miles, but less than seventy-five (75) miles, of any county line of the county in which the simulcast facility will be located; and
 - (b) The location of any licensed track located within any radius specified in subparagraphs 1 and 2 of this paragraph:
 1. Within fifty (50) miles of the city limits of the city in which the simulcast facility will be located; and
 2. Greater than fifty (50) miles, but less than seventy-five (75) miles, of the city limits of the city in which the simulcast facility will be located.
- (4) The commission may request, in writing, information necessary to determine the financial soundness of the applicant.
- (5) After the commission has transmitted the notice required by KRS 230.380(1), it shall:
 - (a) Approve or reject an application; and
 - (b) Inform the applicant, in writing, of:
 1. Its decision; and
 2. The reasons for its decision.

(6) If the commission approves an application, it shall inform, in writing, the applicant that he may establish the simulcast facility if, within sixty (60) days, the local governing body of the jurisdiction in which the simulcast facility is to be located does not exercise its right to reject the facility as provided by the provisions of KRS 230.380(2).

(7) After receipt of commission approval of an application, at least twenty (20) days prior to wagers being accepted at the simulcast facility, an applicant shall file the following information with the commission:

- (a) The schedule of race meets to be simulcast;
- (b) The complete address of the simulcast facility;
- (c) The telephone number of the simulcast facility;
- (d) A description of simulcast facility, including:
 1. Its total capacity;
 2. The seating capacity, excluding dining;
 3. The capacity of the dining area;
 4. The number of washrooms; and
 5. Parking, including:
 - a. Its location; and
 - b. The distance to the simulcast facility;
- (e) The name, address, and home telephone number of the on-site manager of the simulcast facility;
- (f) The name and address of the owner of the real property at which the simulcast facility will be located;
- (g) If there is a business enterprise occupying the real property at which the simulcast facility is located, its:
 1. Name;
 2. Address;
 3. Type of business; and
 4. Owner;
- (h) The name of the supplier of:
 1. Concessions;
 2. Food; and
 3. Alcohol;
- (i) The authority for the sale of alcohol;
- (j) The name of the totalizator service and mutuel manager;
- (k)
 1. Name of, location, and distance to, the nearest other licensed track; and
 2. Written consent of a licensed track that is located within a radius that is more than fifty (50) miles, but less than seventy-five (75) miles, from the simulcast facility, if this has not already been provided;
- (l) The location of, and distance to, the nearest lottery vendor; and
- (m) A statement that the applicant has complied with applicable fire, safety, building, and health codes.

(8)

- (a) If information submitted to the commission, or required to be submitted to the commission by the provisions of this administrative regulation, changes, an applicant shall immediately inform the commission in writing of the change.
- (b) The change shall be reviewed by the commission to determine whether the applicant has complied with the provisions of KRS Chapter 230 and this administrative regulation.

(9) The commission may refuse to approve an application, and may suspend or revoke a license to establish a simulcast facility on the following grounds:

- (a) Failure to comply with the provisions of KRS Chapter 230 and this administrative regulation or any other applicable statute or administrative regulation;
 - (b) Denial, suspension, or revocation of a license in another racing jurisdiction;
 - (c) Falsification, misrepresentation, or willful omission of information in an application or with regard to matters pertaining to racing;
 - (d) Failure to comply with an order or ruling of the commission or its representatives;
 - (e) Ownership of an interest in, or participation in any manner in, an illegal enterprise, such as bookmaking, touting, bet solicitation, pool-selling;
 - (f) Association with a person engaged in an illegal activity;
 - (g) Unqualified by experience or confidence to perform the activity permitted by the license;
 - (h) Intoxication, profanity, fighting, or other conduct of a disorderly nature on simulcast facility property;
 - (i) Employment or harboring of persons who are not licensed as required by KRS Chapter 230 or KAR Title 810;
 - (j) Possession on simulcast facility property of firearms without written permission, or not in compliance with applicable statute and administrative regulation;
 - (k) Use of profane, abusive, or insulting language to the commission or its staff;
 - (l) Offering, promising, giving, accepting or soliciting a bribe, directly or indirectly, to or by a person having a connection with the outcome of a race;
 - (m) Failure to report knowledge of items specified in paragraph (l) of this subsection;
 - (n) Addiction to controlled substances or alcohol;
 - (o) Prior conviction of a crime, subject to the provisions of KRS 335B.010 and 335B.020; and
 - (p) Substantiation that an applicant does not possess good moral character.
- (10) The commission shall:
- (a) Review the information submitted to it by the applicant, pursuant to subsection (7) of this section;
 - (b) Determine whether it meets the requirements of KRS Chapter 230 and this administrative regulation; and
 - (c) If it determines that the applicant has not met the requirements of KRS Chapter 230 and this administrative regulation, inform the applicant:
 - 1. Of its determination; and
 - 2. Of the reasons for its determination.

Section 3. Renewal. An application to renew a license for a simulcast facility shall be filed no later than November 1 in the year preceding the calendar year for which renewal is requested and shall include all information required by Section 2 of this administrative regulation.

Section 4. General Requirements.

- (1) A simulcast facility shall:
 - (a) Be kept in an excellent state of repair;
 - (b) Be operated to ensure that the image of racing and pari-mutuel wagering is enhanced; and
 - (c) Provide adequate security for the public to assure the perception and fact of an honest enterprise free of corrupt practices.
- (2) All interstate wagering shall be received only through a host track licensed by the commission.
- (3) A malfunction of the totalizator shall be immediately reported to:
 - (a) The host track; and
 - (b) The commission.

- (4) Action needed to correct the mutuel pools at a simulcast facility shall be calculated by the mutuel manager of the host track.
 - (5) Pools shall be limited to the host track's pools and all payoffs shall be consistent with the common pools of the host track.
 - (6) A simulcast facility shall meet local and state fire and life safety codes at all times.
 - (7) A simulcast facility shall report to the commission:
 - (a) An accident that results in injury; and
 - (b) A crime committed on the property of the facility.
 - (8) Food and dining services shall be of good quality, so as to promote the image of racing and that of a quality establishment.
 - (9) Proper smoke ventilation shall be provided to ensure adequate fresh air for designated smoking sections.
- (45 Ky.R. 1909; 3110; eff. 5-31-2019.)