810 KAR 4:050. Claiming races.

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 Kentucky Horse Racing Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes conditions for claiming races.

Section 1.

(1) In claiming races a horse shall be subject to claim for its entered price by a licensed owner in good standing, an authorized agent, or by the holder of a claiming license. The procedure for obtaining a claiming license shall be as established in paragraphs (a) and (b) of this subsection and subsection(2) of this section.

(a) An applicant shall, fifteen (15) days prior to entering a claim, submit:

1. An application for a claiming license;
2. A financial statement;
3. To a background check, if requested by the commission;
4. The name of a licensed trainer, or person eligible to be licensed as a trainer, who will assume care and responsibility for the horse claimed; and
5. The requisite fee for a claiming license.

(b) The claiming license shall be valid for the remainder of the calendar year.

(2) Authorized agent.

(a) An agent shall claim only for the account of those for whom he or she is licensed as agent.

(b) The name of the authorized agent and the name of the owner for whom the claim is being made shall appear on the Claim Blank.

(3)

(a) A person shall not claim his or her own horse or cause his or her own horse to be claimed, directly or indirectly, for his or her own account.

(b) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom it is claimed.

(4)

(a) A person shall not claim more than three (3) horses from a race.

(b) Multiple claims submitted by the same owner, authorized agent, or trainer for a single horse shall not be permitted and shall be void.

(5)

(a) A claimed horse shall not run for thirty (30) days after being claimed in a race in which the determining eligibility price is less than twenty-five (25) percent more than the price for which the horse was claimed.

(b) The day following the day the horse is claimed shall be the first day for purposes of the thirty (30) day period;

(c) The claimed horse shall be entitled to enter as necessary to permit it to start on the 31st calendar day following the claim.

(d) This subsection shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper, and starter allowance races.

(6)

(a) A horse claimed in a claiming race shall not be sold or transferred, wholly or in part, within thirty (30) days after the day it was claimed, except in another claiming race.

(b) Unless the stewards grant permission for a claimed horse to enter and start at an overlapping or conflicting meeting in Kentucky, a horse shall not race elsewhere until

the close of entries of the meeting at which it was claimed.

(7)

(a) A claim shall be:

1. Made on commission Claim Blank;
2. Sealed in a Claim Blank Envelope; and
3. Deposited in the association's claim box.

(b) The Claim Blank form and envelope shall be filled out completely and accurately.

(8)

(a) Claims shall be deposited in the claim box at least fifteen (15) minutes before post time of the race from which the claim is being made.

(b) Money or its equivalent shall not be put in the claim box.

(c) A claim shall be valid if the claimant at the time of filing the claim has a credit balance in his or her account with the horseman's bookkeeper of not less than the amount of the claim, plus the Kentucky sales tax.

(9) The stewards, or their designated representative, shall:

(a) Open the claim envelopes for each race as soon as the horses leave the paddock en route to the post; and

(b) Check with the horseman's bookkeeper to ascertain whether or not the proper credit balance has been established with the association.

(10) If more than one (1) valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of the stewards or their designated representative.

(11)

(a) After the race has been run, a horse that has been claimed shall be delivered to the claimant.

(b) The claimant shall present written authorization for the claim from the racing secretary.

(c) After written authorization has been presented, horses that are sent to the detention area for post race testing shall be delivered.

(d) Other horses shall be delivered in the paddock.

(e) A person shall not refuse to deliver a horse claimed out of a claiming race to the person legally entitled to the horse.

(f) If the owner of a horse that has been claimed refuses to deliver the horse to the claimant, the horse shall be disqualified from further racing until delivery is made.

(12)

(a) A claim shall be irrevocable.

(b) Title to a claimed horse shall be vested in the successful claimant from the time the horse is a starter, and the funds shall be transferred to the account of the previous owner, with the funds immediately available for future claiming transactions.

(c) The stewards shall void the claim and return title to the horse to the original owner if:

1. The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track; or
2. The commission veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound, or lame before the horse is released to the successful claimant.

(d) The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant indicates on the claim blank that he or she elects to claim the horse regardless of whether or not the commission veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound, or lame.

(e) A claimed horse shall run in the interest of and for the account of the owner from whom it is claimed.

(13)

(a) A person shall not:

1. Enter or offer to enter into an agreement to claim or not to claim; or

2. Attempt or offer to attempt to prevent another person from claiming any horse in a claiming race.

(b) A person shall not attempt by intimidation to prevent anyone from running a horse in a claiming race.

(c) An owner or trainer shall not make an agreement with another owner or trainer for the protection of each other's horse in a claiming race.

(14)

(a) A claim that does not comply with the provisions of this administrative regulation shall be void.

(b) The stewards shall be the judges of the validity of a claim.

(15) A person holding a lien of any kind against a horse entered in a claiming race shall record the lien with the racing secretary or horseman's bookkeeper at least thirty (30) minutes before post time for that race. If none is so recorded, it shall be presumed that none exists.

(16) The engagements of a claimed horse pass automatically with the horse to the claimant.

(17) Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

(18)

(a) A claimed horse not otherwise selected by the stewards for post-race testing shall be subjected to post-race testing in blood for the presence of substances regulated by 810 KAR Chapter 8. The results of the test shall be reported to the chief state steward.

(b) If a test is positive for a substance associated with a Class A, B, or C penalty or for a TCO2 violation, the claim may be voided at the option of the claimant and the claimant shall be entitled to return of all sums paid for the claimed horse and of all expenses incurred after the date of the claim.

(c) While awaiting test results, a claimant shall:

1. Exercise due care in maintaining and boarding a claimed horse; and

2. Not materially alter a claimed horse.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Claim Blank", 11/2018; and

(b) "Claim Blank Envelope", 11/2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Horse Racing Commission, 4063 Iron Works Pike, Building B, Lexington Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

(45 Ky.R. 1925; 3120; eff. 5-31-2019.)