

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(Amendment)

810 KAR 6:001. Definitions for 810 KAR Chapter 6.

RELATES TO: KRS Chapter 23013

STATUTORY AUTHORITY: KRS 230.215(2), 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 horse 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 Kentucky. KRS 230.361(1) requires the commission to promulgate administrative regulations governing and regulating pari-mutuel wagering on horse races under the pari-mutuel system of wagering. This administrative regulation defines the terms used in 810 KAR Chapter 6.

Section 1. Definitions.

(1) "Added money" means:

(a) Cash, exclusive of trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race; or

(b) In the context of pari-mutuel wagering, any amounts provided by an association in addition to the amounts wagered by patrons and any carryover amounts.

(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 was foaled.

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

(4) "Appaloosa racing" is defined by KRS 230.210(3).

(5) "Arabian horse" means "arabian" as defined by KRS 230.210.

(6) "Arrears" means all sums due by a licensee as reflected by his or her account with the horsemen's bookkeeper, including subscriptions, jockey fees, forfeitures, and any default incident to 810 KAR Chapter 6.

(7) "Association" is defined by KRS 230.210(5).

(8) "Authorized agent" means any person currently licensed as an agent for a licensed owner or jockey by virtue of notarized appointment of agency filed with the commission.

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

(12) "Breeder" means the owner of the dam of a horse when the horse was foaled. A horse is "bred" at the place of its foaling.

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

(14) "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with 810 KAR 6:020.

(15) "Claiming race" means any race in which every horse running in the race can be transferred in conformity with 810 KAR 4:050.

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

(17) "Commission" means:

- (a) The Kentucky Horse Racing Commission if used in the context of the administrative agency governing horse racing and pari-mutuel wagering; or
 - (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, KRS 230.750, and KAR Title 810. This meaning can also refer to "takeout" as defined by subsection (83) of this section.
- (18) "Communications Technology" means the methods used and the components employed to facilitate the transmission of information, such as electronic communications, and transmission and reception systems based on wire, cable, radio, microwave, light, optics, or computer data networks or any similar electronic agent.
- (19) "Control Program" means any software, source language, or executable code that controls the entertaining award display, such as software, source language, or executable code associated with:
- (a) Race selection or related events;
 - (b) Accounting and reporting meter and log information;
 - (c) Operation of totalizators; and
 - (d) Any other processes outlined in the internal controls or as approved by the commission.
- (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 the withdrawal of a horse entered in a race prior to time of closing of entries for the race in conformance with 810 KAR Chapter 6.
- (23) "Designated area" means any enclosed area that the commission has approved for the location of terminals used for wagering on historical horse races.
- (24) "Disciplinary action" means action taken by the stewards or the commission for a violation of KRS Chapter 230 or KAR Title 810 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.
- (25) "Disqualification" means a ruling of the stewards or the commission revising the order of finish of a race.
- (26) "Driver" means a person who is licensed to drive a horse in a harness race.
- (27) "Entertaining Award Display" or "Interactive Award Display" means an entertaining system utilizing mechanical or digital components to display the outcome of a pari-mutuel wager through the use of spinning reels, wheels, games, or other types of interactive components that are represented by animations or audio cues. An Entertaining or Interactive Award Display must be connected to a totalizator approved by the commission. Entertaining or interactive displays shall only be used in conjunction with pari-mutuel wagering on a historical horse race or races.
- (28) "Entry" means the act of nominating a horse for a race in conformance with KAR Title 810.
- (29) "Equipment" means:
- (a) 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;
or
- (b) racing, system components or other equipment found suitable by the commission or its designee that is required to operate entertaining or interactive award displays and interactive terminals.
- (30) "Exhibition race" means a race between horses of diverse ownership for which a purse is offered by the association, but on which pari-mutuel wagering is not permitted.
- (31) "Exotic wager" means any pari-mutuel wager placed on a live or historical horse race or races other than a win, place, or show wager placed on a live horse race.
- (32) "Field" or "mutuel field" means a single betting interest involving more than one (1) horse that is not a mutuel entry.
- (33) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or alternative ruling of the stewards or the commission.
- (34) "Free handicap" means a handicap for which a nominating fee is not required to be weighted, but an entrance or starting fee can 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 any equine (including and designated as a mare, filly, stallion, colt, ridgeling, or gelding).
- (39) "Ineligible" means a horse or person not qualified under 810 KAR Chapter 6 or conditions of a race to participate in a specified racing activity.
- (40) "Initial seed pool" means a nonrefundable pool of money that can be funded by an association in order to ensure that a patron will be paid the minimum amount required on a winning wager on an historical horse race in the event of a minus pool.
- (41) "Interactive Terminal" or "HHR Terminal" means "Terminal" as defined by subsection (89)(b) of this section.
- (42) "Internal Controls," "Minimum Internal Control Standards," or "Control Standards" refers to the system of internal procedures, as well as administrative and accounting controls related to the integrity of pari-mutuel wagering. Any such system may be required by the commission as a condition to conduct live horse racing, simulcasting, and pari-mutuel wagering.
- (43) "Jockey" means a rider currently licensed to ride in races other than harness races as a jockey, apprentice jockey, amateur jockey, or a provisional jockey permitted by the stewards to ride in three (3) races prior to applying for a license.
- (44) "Judge" means a duly appointed racing official with powers and duties established in 810 KAR 2:050 serving at a current meeting in the Commonwealth.
- (45) "Lessee" means a licensed owner whose interest in a horse is a leasehold.
- (46) "Licensed premises" is defined by KRS 230.210.
- (47) "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.
- (48) "Maiden" means a horse that has never won a race on the flat at a recognized meeting in any country. A maiden that was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

- (49) "Match race" means a race that is between two (2) horses and for which other horses are not eligible.
- (50) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted by the commission to a licensed association for the conduct of live horse racing that:
- (a) Begins at 10 a.m. of the first racing day; and
 - (b) Extends through a period ending one (1) hour after the last scheduled race of the last day.
- (51) "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 that pari-mutuel pool.
- (52) "Month" means calendar month.
- (53) "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.
- (54) "Net pool" means the total amount wagered less refundable wagers and takeout.
- (55) "Nomination" means a subscription or entry of a horse in a stakes or early closing race.
- (56) "Nominator" means the person in whose name a horse is entered for a race.
- (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" is defined by KRS 230.210.
- (59) "Pari-mutuel pool" means any pool into which pari-mutuel wagers made by patrons are placed. For every wager placed into a pari-mutuel pool by a patron, that patron is eligible to receive at least a minimum payout on a winning wager.
- (60) "Patron" means an individual present at a track, licensed premises, or a simulcast facility who observes or wagers on live or historical horse races.
- (61) "Payout" means the amount of the net pool payable to an individual patron on his or her winning wager.
- (62) "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 means one involving a payoff on a betting interest that finished first or second in a race; or if used in the context of multiple positions in the order of finish in a race, "place or placing" means finishing first or second.
- (63) "Player-funded pool" means a pool of money funded by patrons wagering on a live or historical horse race or races that is only used to ensure that a patron will receive a payout on a winning wager in the event of a "minus pool" as defined in this administrative regulation.
- (64) "Post" means the starting point of a race.
- (65) "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.
- (66) "Post time" means the advertised moment scheduled for the arrival of all horses at the starting point for a race.
- (67) "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.
- (68) "Purse" means the gross cash portion of the prize for which a race is run.
- (69) "Quarter horse" is defined by KRS 230.210.
- (70) "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.

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

(72) "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.

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

(74) "Recognized meeting" means any meeting with regularly scheduled live horse races for thoroughbreds on the flat, licensed by and conducted under administrative regulations promulgated by a governmental regulatory body, to include foreign countries that are regulated by a racing authority that has reciprocal relations with The Jockey Club and whose race records can be provided to an association by The Jockey Club.

(75) "Registration certificate" means, with respect to thoroughbreds:

(a) The document issued by The Jockey Club certifying the name, age, color, sex, pedigree, and breeder of a horse as registered by number with The Jockey Club; or

(b) The document known as a "racing permit" issued by The Jockey Club in lieu of a registration certificate if a horse is recognized as a thoroughbred for racing purposes in the United States, but is not recognized as a thoroughbred for breeding purposes insofar as registering its progeny with the Jockey Club.

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

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

(78) "Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries for the race in conformance with KAR Title 810.

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

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

(81) "Simulcasting" is defined by KRS 230.210.

(82) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn from a horse for chemical testing.

(83) "Stakes" means all fees:

(a) Paid by subscribers to an added-money or stakes race for nominating, eligibility, entrance, or starting, as required by the conditions of the race; and

(b) Included in the purse.

(84) "Stakes race" means a race that closes more than seventy-two (72) hours in advance of its running and for which subscribers contribute money towards its purse, or a race for which horses are invited by an association to run for a guaranteed purse of \$50,000 or more without payment of stakes. With the exception of stakes races in North America, "stakes race" excludes races not listed by The Jockey Club Information System International Cataloguing Standards, Part One (1).

(85) "Starter" means a horse in a race when the starting-gate doors open in front of it at the moment the starter dispatches the horses for a race.

(86) "Steward" means a duly appointed racing official with powers and duties specified in 810 KAR 2:040 serving at a current meeting in the Commonwealth.

(87) "Subscription" means nomination or entry of a horse in a stakes race.

(88) "Takeout" means "commission" as defined by subsection (17)(b) of this section

(89) "Terminal" means:

(a) Any self-service device or other totalizator-based peripheral equipment used by a patron to place a pari-mutuel wager on a live or historical horse race or races; or

(b) Any mechanical, electrical, or other device, contrivance, or machine that, upon funding of any pari-mutuel wager on a historical horse race or races, is capable of placing a pari-mutuel wager on that historical horse race or races. All such devices may provide handicapping methods approved by the commission, in addition to manual handicapping. In the event of a winning wager, a terminal displays and either delivers or entitles the patron to receive a payout pursuant to 810 KAR 6:030. Any such payouts may be issued by the terminal itself or by the licensed association approved to operate the interactive terminal and related pari-mutuel pool.

(c) The commission must approve any such terminal and the commission may revoke that approval at any time.

(90) "Thoroughbred racing" is defined by KRS 230.210.

(91) "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.

(92) "Unplaced" means a horse that finishes a race outside the pari-mutuel payoff.

(93) "Wagering pool" means "pari-mutuel pool" as defined by subsection (54) of this subsection.

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

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

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

(97) "Weight for age" means the standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to the age of the horse as established in 810 KAR 4:020.

(98) "Workout" means the 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.

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

Section 2. Severability. If 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.

JONATHAN RABINOWITZ, Chair

RAY PERRY, Secretary

APPROVED BY AGENCY: November 12, 2021

FILED WITH LRC: November 5, 2021 at 2:26 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. EST on January 24, 2022 via video conference at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m.

on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax:+1 (859) 246-2039, email jennifer.wolsing@ky.gov.