

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(Amendment)

810 KAR 3:020. Licensing of racing participants.

RELATES TO: KRS 230.215, 230.260, 230.280, 230.290, 230.300, 230.310, 230.320, 230.330

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(2), 230.260(4), 230.290(2), 230.310(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the Kentucky Horse Racing Commission the authority to regulate conditions under which horse racing shall be conducted in Kentucky. KRS 230.310(1) authorizes the commission to establish licensing requirements for participation in horse racing. This administrative regulation establishes licensing procedures and requirements for participation in horse racing.

Section 1. Definitions.

(1) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, limited liability company, association, club, committee, organization, lessor, lessee, racing stable, farm name, or other group of persons acting in concert.

(2) "Restricted area" means a portion of association grounds to which access is limited to licensees whose occupation or participation requires access, and to those individuals accompanying a licensee as permitted by the association.

Section 2. Persons Required to Be Licensed.

(1) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission.

(2) License categories shall include:

- (a) Association employee;
- (b) Assistant trainer;
- (c) Claiming;
- (d) Commission member;
- (e) Commission employee;
- (f) Dental technician;
- (g) Driver;
 - 1. Qualifying-fair (QF) license;
 - 2. Provisional (P) license; and
 - 3. Full (A) license;
- (h) Driver/trainer;
- (i) Equine therapist;
- (j) Exercise rider;
- (k) Farm manager or agent;
- (l) Farrier;
- (m) Farrier apprentice;
- (n) Jockey;
- (o) Jockey agent;
- (p) Jockey apprentice;
- (q) Matinee driver;
- (r) Mutuel employee;
- (s) Owner;
- (t) Owner (Temporary);
- (u) Owner/assistant trainer;

- (v) Owner/trainer;
- (w) Owner/trainer/driver;
- (x) Owner/driver;
- (y) Racing department employee;
- (z) Racing official;
- (aa) Special event employee;
- (bb) Stable agent;
- (cc) Stable employee;
- (dd) ~~Steeplechase jockey~~;
- (ee) ~~Trainer~~;
- (ff) ~~Vendor~~;
- (gg) ~~Vendor employee~~;
- (hh) ~~Veterinarian~~;
- (ii) ~~Veterinary assistant~~; and
- (jj) ~~Veterinary technologist or technician~~.

(3) A person working at a licensed racing association in the Commonwealth shall obtain a valid license issued by the commission. The executive director, chief racing steward, the presiding judge, or their designee may refuse entry or scratch any horse involving any person who, after being requested to obtain a valid license, fails or is unable to obtain a license.

(4)

- (a) A person required to be licensed shall submit:
 1. A completed written application on the form Licensing Application, 3-020-1, or a multi-jurisdictional license form pursuant to Section 8 of this administrative regulation; and
 2. The fee required by Section 6 of this administrative regulation.
- (b) A temporary license may be obtained by an authorized representative of an owner in accordance with Section 18 of this administrative regulation.
- (c) A conditional license may be issued by the commission or its designee.

Section 3. General License Application Requirements for All Applicants.

(1) Any person required to be licensed by Section 2 of this administrative regulation and desiring to participate in horse racing in the Commonwealth may apply to the commission for a license.

(2)

- (a) An application may be submitted on or after November 1 of the calendar year preceding the calendar year in which the license is to be in force.
- (b) An application shall be submitted no later than twenty-four (24) hours after an applicant has arrived on association grounds, unless a temporary license is obtained in accordance with Section 18 of this administrative regulation.
- (c) The license application shall be reviewed and the license issued by commission personnel.

(3) Information provided on or with a license application shall be complete and correct. Material misrepresentation by a license applicant or his or her agent shall result in an immediate license suspension, revocation, refusal, or denial, or imposition of a fine by the commission or the chief racing steward or presiding judge.

(4)

- (a) An applicant for licensing shall be a minimum of sixteen (16) years of age except as provided by paragraph (b) of this subsection. An applicant may be required to submit a certified copy of his or her birth certificate or work permit.
- (b) The commission may grant an owner's license to a person less than sixteen (16) years of age if the person's parent or legal guardian is licensed by the commission. An

application under this subsection shall be signed by the applicant's parent or legal guardian in the presence of one (1) or more of the stewards or judges.

(5) An application from a person or other entity consisting of more than one (1) individual person desiring to race horses in the Commonwealth shall, upon request, in addition to designating the person or persons representing the entire ownership of the horses, be accompanied by documents which fully disclose the identity, degree, and type of ownership held by all individual persons who own or control a present or reversionary interest in the horses.

(6) The commission shall notify an applicant that the license has been issued or denied. If all requirements for licensure are met, a license shall be issued to the license applicant.

Section 4. Additional Licensing Requirements for Standardbred Driver's License.

(1) A person desiring to drive a harness horse at a race meeting licensed by the commission shall obtain a license from:

- (a) The commission; and
- (b) The United States Trotting Association, Standardbred Canada, or appropriate international harness racing governing agency.

(2) Commission licenses. A driver's license from the commission shall be issued in one of the following categories:

- (a) A qualifying-fair (QF) license, which shall be valid for fairs, matinees, qualifying races, and if approved by the presiding judge, nonwagering races at extended pari-mutuel meetings;
- (b) A provisional (P) license, which shall be valid at fairs, matinees, qualifying races, and extended pari-mutuel meetings; or
- (c) A full (A) license, which shall be valid at all race meetings.

(3) License advancement. An applicant shall initially obtain a qualifying-fair license. Advancement to a provisional license and a full license shall be determined by Rule 17, Sections 1 through 10, of the United States Trotting Association, 2009/2010.

(4) General qualifications. An applicant for a driver's license shall:

- (a)
 1. Be at least sixteen (16) years of age for a (QF) license;
 2. Be at least eighteen (18) years of age for a (P) or (A) license; and
 3. Not be denied a driver's license solely on the basis of age if the applicant has previously held any type of license; and
- (b) Submit satisfactory evidence of an eye examination indicating:
 1. 20/40 corrected vision in both eyes; or
 2. If one (1) eye is blind, at least 20/30 corrected vision in the other eye.

Section 5. Additional Licensing Requirements for Specific Licenses.

(1) Veterinary personnel.

(a) An application from a person desiring to treat, prescribe for, or attend to any horse on association grounds as a practicing veterinarian shall be accompanied by evidence that the person is currently licensed as a veterinarian by the Commonwealth of Kentucky.

(b) An application from a person desiring to work on association grounds as a veterinary technologist or veterinary technician shall be accompanied by:

1. Evidence that the person is currently registered as a veterinary technologist or veterinary technician by the Commonwealth of Kentucky; and
2. A Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian certifying that the applicant is working for the veterinarian as required by KRS 321.443.

(c) An application from a veterinary assistant shall be accompanied by a Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian certifying that the

applicant works for him or her as required by KRS 321.443.

(d) Equine therapist. An application from an equine therapist not defined by KRS Chapter 321 shall be accompanied by a Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian and the chief state veterinarian attesting to the skill and integrity of the applicant.

(2) Farriers. An application from a person not previously licensed in the capacity of farrier shall submit a diploma or other document signifying successful completion of a farrier course or examination recognized by the American Farrier's Association, or submit a letter of recommendation from a licensed farrier.

(3) Standardbred Licensees.

(a) A standardbred owner, trainer, owner/trainer, driver, driver/trainer, owner/trainer/driver, or owner/driver shall have a valid license issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in order to participate in pari-mutuel racing in Kentucky.

(b) Any standardbred horse under lease shall race in the name of the lessee and a copy of the lease shall be filed with the clerk of the course. A standardbred horse shall not race under lease without an eligibility certificate issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in the name of the lessee. Both the lessee and lessor shall be licensed by the commission prior to post.

(c) If any licensed standardbred trainer is absent from a racing meet for more than six (6) days, the trainer shall appoint and have properly licensed a new trainer of record.

(4) Special event licenses.

(a) A special event license shall be:

1. Issued to employees who are employed by an association only for the duration of a special event; and
2. Valid for the days of the event only.

(b) The duration of the license shall not exceed three (3) calendar days.

Section 6. Licensing Fees.

(1) The following annual fees shall accompany the application and shall not be refundable:

(a) Association employee:

1. For thoroughbreds: \$25;
2. For standardbreds: \$25; or
3. For other horses: \$10;

(b) Assistant trainer:

1. For thoroughbreds: \$150; or
2. For other horses: \$35;

(c) Claiming: \$150;

(d) Dental technician: \$100;

(e) Driver: \$125;

(f) Driver/trainer: \$125;

(g) Equine therapist:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25;

(h) Exercise rider: \$10;

(i) Farm manager or agent:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or

3. For other horses: \$25;
- (j) Farrier:
1. For thoroughbreds: \$100;
 2. For standardbreds: \$100; or
 3. For other horses: \$35;
- (k) Farrier apprentice:
1. For thoroughbreds: \$50;
 2. For standardbreds: \$50; or
 3. For other horses: \$25;
- (l) Jockey:
1. For thoroughbreds: \$150; or
 2. For other horses: \$35;
- (m) Jockey agent:
1. For thoroughbreds: \$150; or
 2. For other horses: \$35;
- (n) Jockey apprentice:
1. For thoroughbreds: \$100; or
 2. For other horses: \$35;
- (o) Matinee driver: \$125;
- (p) Mutuel employee:
1. For thoroughbreds: \$50;
 2. For standardbreds: \$50; or
 3. For other horses: \$20;
- (q) Owner:
1. For thoroughbreds: \$150;
 2. For standardbreds: \$125; or
 3. For other horses: \$35;
- (r) Owner (temporary):
1. For thoroughbreds: \$150;
 2. For standardbreds: \$125; or
 3. For other horses: \$35;
- (s) Owner/assistant trainer:
1. For thoroughbreds: \$150; or
 2. For other horses: \$35;
- (t) Owner/trainer:
1. For thoroughbreds: \$150;
 2. For standardbreds: \$125; or
 3. For other horses: \$35;
- (u) Owner/trainer/driver: \$125;
- (v) Owner/driver: \$125;
- (w) Racing department employee: \$100;
- (x) Racing official:
1. For thoroughbreds: \$100;
 2. For standardbreds: \$100; or
 3. For other horses: \$35;
- (y) Special event employee: \$10;
- (z) Stable agent: \$50;
- (aa) Stable employee:
1. For thoroughbreds: \$10;
 2. For standardbreds: \$5; or
 3. For other horses: \$5;
- (bb) ~~(aa)~~ Steeplechase jockey: \$150;

(cc) ~~((bb))~~ Trainer:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(dd) ~~((ee))~~ Vendor:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25;

(ee) ~~((dd))~~ Vendor employee: \$25;

(ff) ~~((ee))~~ Veterinarian:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(gg) ~~((ff))~~ Veterinary assistant:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25; or

(hh) ~~((gg))~~ Veterinary technologist or technician:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25.

(2) A replacement fee for a duplicate license shall be ten (10) dollars, except that this fee shall be waived for the first duplicate license issued during any calendar year.

Section 7. Fingerprinting.

(1) If requested by the commission, a license applicant shall furnish to the commission a set of fingerprints or submit to fingerprinting prior to issuance of a license.

(2) If the license applicant has been fingerprinted in the Commonwealth or another racing jurisdiction within the five (5) years preceding the date of the license application, then the commission may accept the previous fingerprints or require new fingerprints.

(3) The cost of fingerprinting and fingerprint analysis shall be paid by the license applicant.

Section 8. Multi-state/National Licenses.

(1) In lieu of the commission license application form, an applicant may submit an ARCI Multi-Jurisdiction Racing License Owner's Application or the National Racing License Application or Renewal Application.

(2) The commission shall accept a multi-state or national license if it complies with licensing requirements in this administrative regulation and KRS Chapter 230.

Section 9. Consent to Investigate by License Applicants and Licensees. After an applicant files a license application, the commission may:

(1) Investigate the criminal background, employment history, and racing history record of the applicant;

(2) Engage in research and interviews to determine the applicant's character and qualifications; and

(3) Verify information provided by the applicant.

Section 10. Search and Seizure.

(1) The commission or designee may search any location described in KRS 230.260(7).

(2) The commission or designee may seize any medication, drug, substance, paraphernalia, object, or device in violation or suspected violation of KRS Chapter 230 or KAR Title 810.

(3) A licensee shall:

- (a) Cooperate with the commission or designee during an investigation; and
 - (b) Respond correctly to the best of the licensee's knowledge if questioned by the commission or designee about a racing matter.
- (4) A licensee shall consent to out-of-competition testing in accordance with 810 KAR 8:040.

Section 11. Employer Responsibility.

- (1)
- (a) An employer shall not employ an unlicensed person for a position that requires a license under KRS 230.300 or 230.310 or this administrative regulation.
 - (b) If an employer violates subsection (a), the employer may be subjected to license suspension, denial, or revocation under KRS Chapter 230 or KAR Title 810.
- (2) Every employer shall report in writing to the commission or its designee, within twenty-four (24) hours, the discharge of any licensed employee, including the employee's name, occupation, and reason for the discharge.
- (3) Every employer shall be responsible for ensuring compliance with all applicable employment laws.
- (4) The license application of an employee shall be signed by the employer.
- (5) A licensed employer shall carry workers' compensation insurance covering his or her employees as required by KRS Chapter 342.

Section 12. Financial Responsibility.

- (1) A licensee shall maintain financial responsibility during the period for which the license is issued.
- (2) A licensee's failure to satisfy a final judgment rendered against him or her by a Kentucky court, or a domesticated judgment from another jurisdiction, for goods, supplies, services, or fees used in the course of any occupation for which a license is required by this administrative regulation shall constitute a failure to meet the financial responsibility requirements of KRS 230.310.
- (3) If the licensee fails to show just cause for his or her failure to satisfy the judgment, then his or her license may be suspended or revoked until the licensee provides written documentation of satisfaction of the judgment.
- (4) An applicant for a license may be required to submit evidence of financial responsibility to the commission if a judgment has been rendered against him or her.

Section 13. Voluntary Withdrawal of License Application.

- (1) A license applicant may with the approval of the license review committee voluntarily withdraw his or her license application from the license review process.
- (2) If the applicant chooses to voluntarily withdraw his or her application, then the withdrawal shall not constitute a denial or suspension of a license and shall be without prejudice.
- (3) The stewards or judges shall issue a ruling noting a withdrawal, and the ruling shall be communicated to the Association of Racing Commissioners International.

Section 14. License Review Committee.

- (1) The executive director, chief racing steward, presiding judge, or director of licensing may refer a license application to the license review committee in lieu of denying the application.
- (2) The license review committee shall be composed of the executive director or designee, the director of licensing or designee, the chief state steward or presiding judge or their designee, and at least one (1) other commission member or commission staff member as designated by the executive director. At least three (3) members of the committee shall participate in any license review committee meeting.

(3) If a referral to the committee is made, then a license shall not be issued until the committee makes a favorable ruling on the license application. The applicant may be required by the committee to appear personally. If the committee is unable to make a favorable ruling on the license application, then the committee may give the license applicant the opportunity to voluntarily withdraw his or her license application in accordance with Section 13 of this administrative regulation. If the license applicant does not wish to voluntarily withdraw his or her application, then the committee shall deny the application.

(4) The denial of the application may be appealed in accordance with KRS Chapter 13B.

(5) In the alternative, the commission, the license review committee, or the executive director may refer the case directly to the commission without denial or approval of the application.

Section 15. License Denial, Revocation, or Suspension.

(1) The commission, executive director, chief racing steward or presiding judge, or director of licensing may deny a license application, and the commission or chief state steward or presiding judge may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons:

(a) The public interest, for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering, may be adversely affected if the license is issued;

(b) The licensee or applicant has any felony or misdemeanor criminal conviction from any jurisdiction, including having entered into any form of diversionary program, within fifteen (15) years preceding the date of submission of a license application;

(c) The licensee or applicant has pending criminal charges or is criminally charged during the license period in any jurisdiction;

(d) The licensee or applicant has had a license issued by the legally constituted racing or gaming commission of a state, province, or country denied, suspended, or revoked;

(e) The licensee or applicant has had a license issued by the Commonwealth revoked, suspended, or denied;

(f) The licensee or applicant has applied for and received a license at less than sixteen (16) years of age, except as permitted in Section 3 of this administrative regulation;

(g) The licensee or applicant has made a material misrepresentation, falsification, or omission of information in an application for a license;

(h) The licensee or applicant has been ejected, ruled off, or excluded from racing association grounds in the Commonwealth of Kentucky or a racetrack in any jurisdiction;

(i) The licensee or applicant has violated or attempted to violate a statute, administrative regulation, or similar rule respecting horse racing in any jurisdiction;

(j) The licensee or applicant has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of a horse or pari-mutuel wagering;

(k) The licensee or applicant has caused, attempted to cause, or participated in any way in an attempt to cause the pre-arrangement of a race result, or has failed to report knowledge of this kind of activity immediately to the stewards or judges;

(l) The licensee or applicant has demonstrated financial irresponsibility as described by Section 12 of this administrative regulation;

(m) The licensee or applicant has knowingly failed to disclose to the commission complete ownership or beneficial interest in a horse entered to be raced;

(n) The licensee or applicant has misrepresented or attempted to misrepresent facts in connection with the sale of a horse or other matter pertaining to racing or registration of a thoroughbred;

- (o) The licensee or applicant has offered, promised, given, accepted, or solicited a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failed to report conduct of this nature immediately to the stewards or judges;
- (p) The licensee or applicant has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse;
- (q) The licensee or applicant has engaged in conduct that is against the best interest of horse racing, or compromises the integrity of operations at a track, training facility, or satellite facility;
- (r) The licensee or applicant has knowingly entered, or aided and abetted the entry, of a horse ineligible or unqualified for the race entered;
- (s) The licensee or applicant has possessed on association grounds, without written permission from the commission or the chief state steward or presiding judge, any appliance or device, other than an ordinary whip, which could be used to alter the speed of a horse in a race or workout;
- (t) The licensee or applicant has violated any of the alcohol or substance abuse provisions in KRS Chapter 230 or 810 KAR 2:030;
- (u) The licensee or applicant has failed to comply with a written order or ruling of the commission, the stewards, or the judges pertaining to a racing matter or investigation;
- (v) The licensee or applicant has failed to answer truthfully questions asked by the commission or its representatives pertaining to a racing matter;
- (w) The licensee or applicant has failed to return to an association any purse money, trophies, or awards paid in error or ordered redistributed by the commission;
- (x) The licensee or applicant has participated in or engaged in any conduct of a disorderly nature on association grounds which includes, but is not limited to:
 - 1. Failure to obey the stewards' or judges' or other official's orders that are expressly authorized by the administrative regulations of the commission;
 - 2. Failure to race when programmed unless excused by the stewards or judges;
 - 3. Fighting;
 - 4. Assaults;
 - 5. Offensive and profane language;
 - 6. Smoking on the track in colors during actual racing hours;
 - 7. Warming up a horse prior to racing without colors; and
 - 8. Disturbing the peace;
- (y) The licensee or applicant has used profane, abusive, or insulting language to or interfered with a commission member, employee or agent, or racing official, while these persons are in the course of discharging their duties;
- (z) The licensee or applicant is unqualified to perform the duties for which the license is issued;
- (aa) The licensee or applicant has discontinued or is ineligible for the activity for which the license is to be issued, or for which a previous or existing license was issued;
- (bb) The licensee or applicant has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as Kentucky owned, Kentucky bred, or Kentucky sired;
- (cc) The licensee or applicant has failed to pay a required fee or fine, or has otherwise failed to comply with KRS Chapter 230 or KAR Title 810;
- (dd) The licensee or applicant has failed to comply with a written directive or ruling of the commission or the chief state racing steward or presiding judge;
- (ee) The licensee or applicant has failed to advise the commission of changes in the application information as required by Section 17 of this administrative regulation;

- (ff) The licensee or applicant has failed to comply with the temporary license requirements of Section 18 of this administrative regulation;
 - (gg) The licensee or applicant has violated the photo identification badge requirements of Section 21 of this administrative regulation;
 - (hh) The licensee or applicant has knowingly aided or abetted any person in violation of any statute or administrative regulation pertaining to horse racing;
 - (ii) The licensee or applicant has hired an unlicensed person required by KRS 230.300, 230.310, or this administrative regulation to be licensed;
 - (jj) The licensee or applicant, being a person other than a licensed veterinarian, has possessed on association grounds:
 - 1. A hypodermic needle, hypodermic syringe, or other device which could be used to administer any substance to a horse, except as permitted by 810 KAR 8:010, Section 3(5); or
 - 2. A medication, stimulant, sedative, depressant, local anesthetic, or any other foreign substance prohibited by KRS Chapter 230 or KAR Title 810; or
 - (kk) The licensee or applicant has manufactured, attempted to manufacture, or possessed a false license photo identification badge.
- (2) A license suspension, revocation, or denial shall be reported in writing to the applicant by the chief steward or presiding judge, and to the ARCI by the Division of Licensing, to ensure that other racing jurisdictions shall be advised of the license suspension, revocation, or denial.
- (3) A licensee or applicant may appeal the suspension, revocation, or denial in accordance with KRS 230.320 and Chapter 13B.

Section 16. Reciprocity.

- (1) If a person's license has been denied, suspended, or revoked in another jurisdiction, the commission may require reinstatement of the license in that jurisdiction before a license is granted by the commission.
- (2) If a person has been ruled off, excluded, or ejected from a racetrack in Kentucky or in another jurisdiction, the commission may require reinstatement of the person at that track before a license is granted by the commission.

Section 17. Changes in Application Information.

- (1) The licensee or applicant shall report changes in any information required for licensing in writing to the commission.
- (2) Any change in information required for licensing shall be submitted in writing upon the "Change in Application Information Form", KHRC 3-020-3, signed by the licensee, and filed at the commission central office, within thirty (30) days of the change, unless it is information listed in subsection (3) of this section.
- (3) The licensee shall report changes in information in writing within 72 hours of the occurrence for these items:
 - (a) Criminal charges;
 - (b) Criminal convictions;
 - (c) License denials and license suspensions of ten (10) days or more;
 - (d) License revocations or fines of \$500 or more in other jurisdictions;
 - (e) Racing related disciplinary charges pending in other jurisdictions; and
 - (f) Withdrawal, with or without prejudice, of a license application by the licensee in any jurisdiction.

Section 18. Temporary Licenses.

- (1)
 - (a) Only an owner is eligible for a temporary license.

- (b) A horse in a trainer's care shall not start in a race unless the owner has a current license or has an application for a temporary license, "Temporary Owner's License Application", KHRC 3-020-2, on file with the commission.
 - (c) A licensed trainer may apply for a temporary license on behalf of an owner for whom the licensed trainer trains.
 - (d) The commission may refuse the license if the applicant fails to supply a name, Social Security number, and mailing address for a temporary license.
 - (e) A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the 30th day pending completion of all licensing procedures.
 - (f) Upon expiration of the thirty (30) day temporary license, the owner's license shall be suspended or the owner's horses shall be ineligible to race in Kentucky pending completion of all licensing procedures.
 - (g) Completion of all owner licensing procedures shall extend the owner's license to the end of the calendar year.
 - (h) If a temporary license expires prior to the completion of all owner licensing procedures, the applicant shall pay an additional licensing fee.
- (2) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year.
 - (3) A temporary license shall not be valid for claiming.

Section 19. Eligibility for Multiple Licenses. More than one (1) license to participate in horse racing may be granted to a person except if prohibited by this administrative regulation due to a potential conflict of interest.

Section 20. Conflict of Interest.

- (1) The license review committee and the chief state steward or presiding judge or their designees shall deny or refuse to process the license of a person, and the commission or the chief state steward or presiding judge shall revoke or suspend the license of a licensee, who is determined to have a conflict of interest. A conflict of interest may exist if a spouse, immediate family member, or other person in a similar relationship to the licensee or applicant holds a license which the license review committee or chief state steward or presiding judge finds to be a conflict of interest with the licensee's or applicant's license. A finding of a conflict of interest may be appealed to the commission pursuant to KRS 230.320 and KRS Chapter 13B.
- (2) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official during that race.
- (3) A person who is licensed as an owner or trainer, or who has any financial interest in a horse entered in a race, shall not participate in that race as any of the following:
 - (a) Racing official;
 - (b) Assistant starter;
 - (c) Practicing veterinarian for any horse other than the owner's;
 - (d) Veterinary technician, veterinary technologist, veterinary assistant, or equine therapist for any horse other than the owner's;
 - (e) Officer or managing employee;
 - (f) Track maintenance supervisor or employee;
 - (g) Outrider;
 - (h) Race track security employee;
 - (i) Farrier;
 - (j) Photo finish operator;
 - (k) Horsemen's bookkeeper;
 - (l) Racing chemist;
 - (m) Testing laboratory employee;

- (n) Jockey;
- (o) Apprentice jockey; or
- (p) Jockey agent.

Section 21. License Photo Identification Badges.

- (1)
 - (a) If a licensee desires access to restricted areas of a racing association grounds, then the licensee shall carry on his or her person at all times within the restricted area his or her assigned commission license (photo identification badge).
 - (b) A photo identification badge is available to a licensee upon presentation of appropriate, valid photo identification by the licensee to commission personnel at commission licensing offices.
- (2) A person shall present an appropriate license to enter a restricted area.
- (3) The stewards or judges or racing association may require visible display of a license in a restricted area.
- (4) A license may only be used by the person to whom it is issued, and a licensee shall not allow another person to use his or her badge for any purpose.
- (5) Licensee credentials (photo identification badges) are the property of the commission and shall be surrendered to the executive director, the stewards or judges, the commission director of enforcement, or director of licensing, or designee, upon request.

Section 22. Duties of Licensees.

- (1) A licensee shall be knowledgeable of this administrative regulation and, by acceptance of the license, agrees to abide by this administrative regulation.
- (2) A licensee shall report to track security or the stewards or judges any knowledge the licensee has that a violation of this administrative regulation has occurred or may occur.
- (3) A licensee shall abide by all rulings and decisions of the stewards or judges and the commission, and all decisions by the stewards or judges and the commission shall remain in force unless reversed or modified by the commission or a court of competent jurisdiction upon proper appeal pursuant to KRS 230.330.
- (4) Rulings and decisions of the stewards or judges may be appealed to the commission, except those made by the stewards or judges as to:
 - (a) Findings of fact as occurred during and incident to the running of a race; and
 - (b) A determination of the extent of disqualification of horses in a race for fouls committed during the race.
- (5) A licensee shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.
- (6) A licensee shall obey instructions from commission representatives or association security, or both.
- (7) All licensees shall immediately report to the commission any known or suspected irregularities, any violation of KRS Chapter 230 or KAR Title 810, or any wrongdoings by any person, and shall cooperate in any subsequent investigation.

Section 23. Common Law Rights of Associations. The validity of a license does not preclude or infringe on the common law rights of associations to eject or exclude persons, licensed or unlicensed, from association grounds.

Section 24. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Licensing Application", KHRC 3-020-1, ~~02/2022~~~~[4/2019]~~;
 - (b) "Temporary Owner's License Application", KHRC 3-020-2, 11/2018;
 - (c) "Change in Application Information Form", KHRC 3-020-3, 4/2019;
 - (d) "Veterinarian Approval Form", KHRC 3-020-4, 4/2019; and
 - (e) "Rule 17, Sections 1 through 10", United States Trotting Association, 2009/2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at <http://khrc.ky.gov>.

JONATHAN RABINOWITZ, Chairman
RAY PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on May 24, 2022 at 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 May 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, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the procedures by which individuals participating in horse racing are licensed by the commission, and by which licenses are denied, suspended, or revoked.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure the integrity of horse racing in Kentucky by requiring the licensing of all individuals participating in horse racing at locations under the jurisdiction of the commission.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. KRS 230.310 requires all individual participants to be licensed by the commission. This administrative regulation establishes licensing procedures to implement the statutory mandate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation enables the commission to properly regulate the licensing of individual participants in racing in Kentucky

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment clarifies and provides additional license types and updates the application form to reflect the changes, including an option for a Military Spouse.

(b) The necessity of the amendment to this administrative regulation:

This amendment provides additions and clarifications to the types of licenses issued by the commission.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 230.310 requires all individual participants to be licensed by the commission. This administrative regulation establishes and clarifies licensing procedures to implement the statutory mandate, including providing an option for a Military Spouse.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment allows for better classification of licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The commission is affected by this administrative regulation, and any licensed participant in horse racing is potentially affected by this administrative regulation. In the year 2017, the commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Individual participants in horse racing will be required to obtain a license and pay a license fee to participate in racing in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

License fees vary according to the category of the license and the breed of horse. The maximum fee is \$150.00, and the license is issued on an annual basis.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Participants in horse racing will benefit from the enhanced integrity to racing which is ensured by proper licensing of individuals who engage in racing at locations under the jurisdiction of the commission.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis:

There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No additional funding will be necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No additional funding will be necessary for the implementation and enforcement of this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This amendment provides a "Stable Agent" license, which costs \$50.00 annually. This amendment provides an option for a Military Spouse to be licensed without incurring a license fee.

(9) TIERING: Is tiering applied?

Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation will not generate revenue for state or local government for the first year

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year?

No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years?

No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

None