

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commissions
(Amendment)

810 KAR 4:001. Definitions for 810 KAR Chapter 4.

RELATES TO: KRS [~~Chapter~~]230

STATUTORY AUTHORITY: KRS 230.215, 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission to regulate conditions under which thoroughbred 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. This administrative regulation defines the terms used in 810 KAR Chapter 4.

Section 1. Definitions.

- (1) "Added money" means the amount of money, exclusive of trophy, added into a stakes race by an association, a sponsor, a state-bred program, or other fund, and that is in addition to stakes fees paid by subscribers.
- (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) "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) "Also eligible" means in flat racing an eligible horse, properly entered, which is not drawn for inclusion in a race, but which becomes eligible according to preference or lot if another horse is scratched prior to the scratch time deadline.
- (5) "Appeal" means a request for the commission to investigate, consider, and review any decision or ruling of a steward or official of a meeting.
- (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 KAR Title 810.
- (7) "Association" is defined by KRS 230.210.
- (8) "Authorized agent" means in flat racing any person currently licensed as an agent for a licensed owner, jockey, or jockey apprentice by virtue of notarized appointment of agency filed with the commission.
- (9) "Calendar days" means consecutive days counted irrespective of number of racing days.
- (10) "Claiming race" means a race in which ownership of a horse participating in the race may be transferred in conformity with 810 KAR 4:050.
- (11) "Closing" means the time published by the association after which entries for a race are not accepted by the racing secretary.
- (12) "Coggins test" means a blood test used to determine if a horse is positive for Equine Infectious Anemia.
- (13) "Commission" is defined by 810 KAR 6:001.
- (14) "Conditions" means qualifications that determine a horse's eligibility to be entered in a race.
- (15) "Coupled entry" means two (2) or more horses in a race that are treated as a single betting interest for pari-mutuel wagering purposes.
- (16) "Day" means any twenty-four (24) hour period beginning at 12:01 a.m. and ending at midnight.
- (17) "Declaration" means in flat racing the withdrawal of a horse entered in a race prior to time of closing of entries for the race in conformance with 810 KAR 4:030.

(18) "Directive" means an official order issued by the commission or the executive director.

(19) "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.

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

(21) "Draw" means the process of determining post positions by lot.

(22) "Entry" means the act of nominating a horse for a race in conformance with KAR Title 810.

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

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

(25) "Flipping halter" means a halter used in the starting gate to help prevent a horse from flipping, which is used in Quarter Horse races only.

~~(26) {(25)}~~ "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.

~~(27) {(26)}~~ "Foul" means any action by any jockey that tends to hinder another jockey or any horse in the proper running of the race.

~~(28) {(27)}~~ "Handicap race" means in flat racing 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.

~~(29) {(28)}~~ "Horse" means any equine irrespective of age or sex designation and registered for racing with the applicable breed registry.

~~(30) {(29)}~~ "Ineligible" means a horse or person not qualified under Title 810 KAR or conditions of a race to participate in a specified racing activity.

~~(31) {(30)}~~ "Inquiry" means an investigation by the stewards of a contest prior to declaring the result of the contest official.

~~(32) {(31)}~~ "Jockey" means a rider currently licensed to ride in 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.

~~(33) {(32)}~~ "Lessee" means a licensed owner whose interest in a horse is a leasehold.

~~(34) {(33)}~~ "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.

~~(35) {(34)}~~ "Maiden" means in flat racing, a horse that has never won a race at a recognized meeting in any country.

~~(36) {(35)}~~ "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.
- (37) ~~[(36)]~~ "Month" means calendar month.
- (38) ~~[(37)]~~ "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.
- (39) ~~[(38)]~~ "Nominator" means the person in whose name a horse is entered for a stakes race.
- (40) ~~[(39)]~~ "Objection" means a verbal claim of foul in a race lodged by the horse's jockey, trainer, or owner before the race is declared official.
- (41) ~~[(40)]~~ "Official order of finish" means the order of finish of the horses in a contest as declared official by the stewards.
- (42) ~~[(41)]~~ "Official time" means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line.
- (43) ~~[(42)]~~ "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.
- (44) ~~[(43)]~~ "Pari-mutuel wagering", "mutuel wagering", or "pari-mutuel system of wagering" is defined by KRS 230.210.
- (45) ~~[(44)]~~ "Post" means the starting point of a race.
- (46) ~~[(45)]~~ "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.
- (47) ~~[(46)]~~ "Post time" means the advertised moment scheduled for the arrival of all horses at the starting point for a race.
- (48) ~~[(47)]~~ "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, or official prohibited by rules, which, if true, would exclude that horse or jockey from racing.
- (49) ~~[(48)]~~ "Purse" means the gross cash portion of the prize for which a race is run.
- (50) ~~[(49)]~~ "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.
- (51) ~~[(50)]~~ "Race" means a running contest between horses, ridden by jockeys at a recognized meeting, during regular racing hours, for a prize.
- (52) ~~[(51)]~~ "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.
- (53) ~~[(52)]~~ "Racing official" means a racing commission member, commission staff, as duties require, and all association racing department employees, as duties require.
- (54) ~~[(53)]~~ "Recognized meeting" means any meeting with regularly scheduled live horse races, licensed by and conducted under administrative regulations promulgated by a governmental regulatory body, and conducted with the applicable breed registry.
- (55) ~~[(54)]~~ "Registration certificate" means the document, racing permit, or virtual certificate issued by the appropriate breed registry identifying the horse for racing.
- (56) ~~[(55)]~~ "Result" means the part of the official order of finish in a race used to determine the pari-mutuel payoff of pari-mutuel pools.
- (57) ~~[(56)]~~ "Rulings" means all determinations, decisions, or orders of the stewards or of the commission duly issued in writing and posted.
- (58) ~~[(57)]~~ "Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries for the race.
- (59) ~~[(58)]~~ "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.

~~(60)~~ ~~((59))~~ "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn from a horse for chemical testing.

~~(61)~~ ~~((60))~~ "Stakes" mean all fees paid by subscribers to an added-money or stakes race for nominating, eligibility, entrance, or starting, as required by the conditions of the race, with the fees to be included in the purse.

~~(62)~~ ~~((61))~~ "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.

~~(63)~~ ~~((62))~~ "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.

~~(64)~~ ~~((63))~~ "Steward" means a duly appointed racing official with powers and duties established in 810 KAR 2:040 serving at a current meeting in the Commonwealth.

~~(65)~~ ~~((64))~~ "Subscription" means nomination or entry of a horse in a stakes race.

~~(66)~~ ~~((65))~~ "Suspended" means withdrawal of racing privileges by the stewards or commission.

~~(67)~~ ~~((66))~~ "Thoroughbred racing" is defined by KRS 230.210.

~~(68)~~ ~~((67))~~ "Tote" or "tote board" means the totalizator.

~~(69)~~ ~~((68))~~ "Unplaced" means a horse that finishes a race outside the pari-mutuel payoff.

~~(70)~~ ~~((69))~~ "Walkover" means a race in which the only starter or all starters represent single ownership.

~~(71)~~ ~~((70))~~ "Weigh in" means in flat racing the presentation of a jockey to the clerk of scales for weighing after a race.

~~(72)~~ ~~((71))~~ "Weigh out" means in flat racing the presentation of a jockey to the clerk of scales for weighing prior to a race.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: July 12, 2023

FILED WITH LRC: July 12, 2023 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on September 21, 2023 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 September 30, 2023. 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 definitions for terms used in 810 KAR Chapter 4.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure that various terms used in 810 KAR Chapter 4 are properly and precisely defined.

(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. This regulation sets forth defined terms that are used in the regulations in 810 KAR Chapter 4.

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

This administrative regulation fulfills the Commission's statutory mandate to prescribe the conditions under which horse racing is conducted in the Commonwealth by defining terms used in 810 KAR Chapter 4.

(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:

Section 1 is amended to include a definition for "flipping halter." A "flipping halter" is a halter used in the starting gate to prevent a horse from flipping. This type of halter is only used in Quarter Horse races.

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

This amendment to Section 1 is necessary to define a piece of equipment for Quarter Horse racing.

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

The proposed amendment establishes a condition under which horse racing will be conducted in the Commonwealth. Therefore, this amendment conforms to KRS 230.215(2) and KRS 230.260(8).

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

The amendment will define a piece of equipment for Quarter Horse racing.

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

The Kentucky Horse Racing Commission and those who engage in Quarter Horse racing will be affected by this administrative regulation.

(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:

The amendment adds a definition and the regulated entities do not have to take any action to comply.

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

There will be no additional costs.

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

A piece of equipment used in Quarter Horse racing is defined, benefitting all engaged in horse racing.

(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 funding is necessary to implement and enforce 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 increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any new fees or increase any current fees.

(9) TIERING: Is tiering applied?

Tiering is not applied, because this amended regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE

(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(2) and 230.260(8) authorize the action taken by this regulation.

(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 during 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 during subsequent years.

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

There is no cost to administer this regulation during the first year.

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

There will be no cost to administer this regulation during 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.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not generate cost savings for the regulated entities during the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not generate cost savings for the regulated entities during subsequent years.

(c) How much will it cost the regulated entities for the first year?

There will be no cost to the regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years?

There will be no cost to the regulated entities during subsequent years.

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

Cost Savings (+/-):Neutral.

Expenditures (+/-):Neutral.

Other Explanation:

N/A.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This regulation is not expected to have a major economic impact for the reasons stated above.