Technical Amendment
July 1, 2024

810 KAR 4:040. Running of the race.

RELATES TO: KRS 230.215(2), 230.260(1)
STATUTORY AUTHORITY: KRS 230.215(2)(a), (c), 230.260(8)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2)(a) and (c) and 230.260(8) authorize the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation establishes the standards and requirements governing the running of a horse race.

Section 1. Post Time. Post time for the first race on each racing day shall be approved by the corporation. Post time for subsequent races on the same program shall be fixed by the pari-mutuels manager. No race shall start after 11:55 p.m.

Section 2. Horses in paddock not to be touched. Only the following persons may touch a horse while in the paddock:
(1) Licensed owner;
(2) Licensed trainer;
(3) Authorized stable personnel;
(4) Paddock judge;
(5) Horse identifier;
(6) Assigned valet;
(7) Steward;
(8) Farrier;
(9) Outrider; or
(10) Jockey.

Section 3. Trainer Responsibility. The trainer shall be responsible for:
(1) Arrival in the paddock, at the time prescribed by the paddock judge, of each horse entered;
(2) Supervising the saddling of each horse entered; and
(3) Providing his or her assistant trainer or another licensed trainer to serve as a substitute if absent from a track where the trainer's horses are participating in races.

Section 4. Withdrawal of a Horse. A horse whose starting is mandatory shall run the course, except that the stewards may order the withdrawal of a horse at any time up to the actual start of a race.

Section 5. Walkover. If at the time for saddling, only one (1) horse, or horses owned by only one (1) stable, will be weighed out, the horse or horses of single ownership shall be ridden past the stewards' stand, go to the post, and then move over the course before determination of the winner.

Section 6. Parade to the Post; Time.
(1) All horses shall parade and carry their declared weight from the paddock to the starting post.
(a) The parade shall pass the stewards' stand.
(b) After passing the stewards' stand once, horses may break formation and canter, warm up, or go as they please to the post.
(c) With the permission of the stewards, a horse may be excused from parading with the other horses.

(2) The parade to the post shall not exceed twelve (12) minutes from the time the field enters upon the track, except in cases of unavoidable delay.
(3) If a jockey is thrown on the way to the post:
(a) The jockey shall remount at the point at which thrown; or
(b) If the jockey is so injured as to require a substitute jockey, the horse shall be returned to the paddock where the horse shall be remounted by a substitute jockey.

Section 7. Lead Pony. A horse may be led to the post by a lead pony. Lead ponies may be excluded from the paddock or walking ring, at the discretion of the stewards.

Section 8. Control of Horses and Jockeys by Starter. Horses and jockeys shall be under the control of the starter from the moment they enter the track until the race is started.
(1) The starter may grant a delay if an injury occurs to any jockey or if a jockey's equipment malfunctions. During the delay, the stewards may require all jockeys to dismount.
(2) The starter shall unload the horses in the gate when instructed by the stewards if:
(a) A horse breaks through the gate or unseats its jockey after any of the field is loaded in the starting gate; and
(b) The horse is not immediately taken in hand by the outrider and brought back for reloading.
(3) The starter shall reload the horses in their proper order upon order of the stewards.
(4) The starter shall report all causes of delay to the stewards.
(5) A person other than the jockey, starter, or assistant starter shall not strike a horse or attempt, by shouting or other means, to assist the horse in getting a start.

Section 9. Starting Gate. Races on the flat shall use a starting gate approved by the corporation unless exempted by the stewards. Exempted races shall not start until the assistant starter has dropped the flag in answer to the starter.

Section 10. Horses Left at Post.
(1) If a door at the front of the starting gate fails to open properly and timely when the starter dispatches the field, or if a horse has inadvertently not been loaded in the starting gate when the field is dispatched, thereby causing the horse to be left at the post, the starter shall immediately report the circumstance to the stewards who shall:
(a) Immediately post the "inquiry" sign;
(b) Advise the public to hold all pari-mutuel tickets; and
(c) Determine, after consulting with the starter and viewing the race replay, whether or not the horse was precluded from obtaining a fair start.
(2) If the stewards determine that the horse was precluded from obtaining a fair start, the stewards shall rule the horse a nonstarter and shall order money wagered on the horse deducted from the pari-mutuel pool and refunded to holders of pari-mutuel tickets on the horse, unless the horse ruled a nonstarter is part of a pari-mutuel entry and another horse in the entry is not left at the post, in which case there shall not be a pari-mutuel refund.
(3) Stakes fees for a ruled nonstarter shall be refunded to the owner.
(4) The starter may, in his or her discretion, place an unruly or fractious horse on the outside of the starting gate and one (1) length behind the starting line. If the horse so stationed outside the starting gate by the starter dwells or refuses to break with the field and is thereby left at the post, there shall not be a refund of pari-mutuel wagers on the horse nor refund of stakes fees paid for the horse.
(5) The use of a flipping halter as safety equipment may be permitted in Quarter Horse races only, at a trainer's discretion, if approved by track management and the starter. The use of a flipping halter shall be noted at time of entry and in the official program.
(6) If the stewards in a quarter horse race determine that a door at the front of the starting gate failed to open properly or timely due to a horse equipped with a flipping halter:

(a) The stewards shall rule the horse to be a starter and eligible for race placement and purse earnings; and
(b) There shall not be a pari-mutuel refund.

Section 11. Horses Failing to Finish. Any horse that starts in a race but does not cross the finish line or is not ridden across the finish line by the jockey with whom it starts the race shall be declared unplaced and shall receive no portion of the purse money.

Section 12. Fouls.
(1) A leading horse if clear is entitled to any part of the track.
(2) If a leading horse or any other horse in a race swerves or is ridden to either side so as to interfere with, intimidate, or impede any other horse or jockey, or to cause the same result, this action shall be deemed a foul.
(3) If a jockey strikes another horse or jockey, it is a foul.
(4) If, in the opinion of the stewards, a foul alters the finish of a race, an offending horse may be disqualified by the stewards.
(5) In a quarter horse straightaway race, every horse shall maintain position as nearly as possible in the lane in which the horse starts.
(6) If a horse is disqualified for interference during the running of quarter horse time trials, the disqualified horse shall receive the time of the horse it is immediately placed behind, plus 1/1000th of a second. The disqualified horse shall be eligible to qualify for a final or consolation race based upon the assigned time.

Section 13. Stewards to Determine Foul Riding.
(1) A jockey shall make a best effort to control and guide his or her mount in such a way as not to cause a foul.
(2) The stewards shall take cognizance of riding that results in a foul, irrespective of whether or not an objection is lodged.
(3) If, in the opinion of the stewards, a foul is committed as a result of a jockey not making a best effort to control and guide his or her mount to avoid a foul, whether or not intentionally or through carelessness or incompetence, the jockey may be penalized at the discretion of the stewards.

Section 14. Horses to be Ridden Out.
(1) Every horse in every race shall be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time, while in compliance with Section 15 of this administrative regulation.
(2) A horse shall not be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money.
(3) A jockey who unnecessarily causes a horse to shorten stride may be penalized at the discretion of the stewards.
(4) Stewards shall take cognizance of any marked reversal of form of a horse and shall conduct inquiries of the licensed owner, licensed trainer, and all other persons connected with the horse.
(5) If the stewards find that the horse was deliberately restrained or impeded in any way or by any means so as not to win or finish as near as possible to first, any person found to have contributed to that circumstance may be penalized at the discretion of the stewards.

Section 15. Use of Riding Crops.
(1) Although the use of a riding crop is not required, a jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.
(2) In any race in which a jockey will ride without a riding crop, an announcement of that fact shall be made over the public address system.

(3) An electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than a riding crop approved by the stewards pursuant to 810 KAR 4:010, Section 11 shall not be possessed by anyone, or applied by anyone to a horse at any time at a location under the jurisdiction of the corporation.
(4) A riding crop shall not be used on a two (2) year-old horse in races before April 1 of each year.
(5) Allowable Uses of a Riding Crop.
(a) The riding crop may be used at any time, without penalty, if, in the opinion of the stewards, the riding crop is used to avoid a dangerous situation or preserve the safety of other riders or horses in a race.
(b) If necessary during a race, a riding crop may be used in a backhanded or underhanded fashion from the 3/8 pole to the finish line. This use shall not be counted toward the use of the crop six (6) times in the overhand fashion, as allowed in subsection (6) of this section. The use of the crop shall not rise above the rider's helmet at any point.
(c) A riding crop may also be used if:
1. The horse is tapped on the shoulder with the crop in the down position while both hands are holding onto the reins and both hands are touching the neck of the horse; and
2. The crop is shown or waved without contact with the horse and the horse is given time to respond before the horse is struck.
(6) A riding crop may be used to make contact with a horse to maintain focus and concentration, to control the horse for safety of the horse and rider, or to encourage a horse, with the following exceptions:
(a) Use of the crop in any manner, other than underhanded or backhanded as established in subsection (5)(b) of this section, or tapping on the shoulder as established in subsection (5)(c) of this section, resulting in more than six (6) times in the overhand manner;
(b) Use of the crop and making contact with the horse more than two (2) successive strikes without allowing the horse a chance to respond;
(c) Use of the crop with the rider's wrist above helmet height;
(d) Use of the crop on the head, flanks, or on any other part of its body other than the shoulders or hindquarters;
(e) Use of the crop during the post parade or after the finish of the race except if necessary to control the horse;
(f) Excessive or brutal use of the crop causing injury to the horse;
(g) Use of the crop causing welts or breaks in the skin;
(h) Use of the crop if the horse is clearly out of the race or has obtained its maximum placing; and
(i) Use of the crop even though the horse is showing no response.
(7) A riding crop shall not be used to strike another person.
(8) After the race, a horse shall be subject to inspection by a racing official or official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.
(9) A crop may be used during workouts if the use does not violate subsection (6)(c) through (i) of this section.
(10) The giving of instructions by any licensee that, if obeyed, would lead to a violation of this section may result in disciplinary action also being taken against the licensee who gave the instructions.
(11) Only padded/shock absorbing riding crops that have not been modified in any way may be carried in a race.

(12) During a race, if a jockey rides in a manner contrary to this rule, the stewards shall impose a minimum fine of $500, a minimum suspension of three (3) days, or both, if in the opinion of the stewards, the violation is egregious or intentional. Factors in determining whether a violation is egregious shall include at least the following:

(a) Recent history of similar violations;

(b) Number of uses over the total and consecutive limits described in this section; and

(c) Using the crop in the overhanded position more than six (6) times.

Section 16. Other Means of Altering Performance. An electrical or mechanical appliance, other than a riding crop, shall not be used to affect the speed of a horse in a race or workout. A sponge or other object shall not be used to interfere with the respiratory system of a horse. Use or nonuse of ordinary racing equipment shall be consistent and any change of equipment shall be approved by the stewards.

Section 17. Official Order of Finish as to Pari-mutuel Payoff. Once satisfied that the order of finish is correct and that the race has been properly run in accordance with the rules and KAR Title 810, the stewards shall order that the official order of finish be confirmed and the official sign posted for the race. The decision of the stewards as to the official order of finish for pari-mutuel wagering purposes shall be final, and no subsequent action shall set aside or alter the official order of finish for the purposes of pari-mutuel wagering.

(45 Ky.R. 1923; 3118; eff. 5-31-2019; 48 Ky.R. 610, 1561; eff. 2-1-2022; 50 Ky.R. 477, 1288; eff. 3-5-2024.)

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