

Technical Amendment
July 1, 2024

810 KAR 5:001. Definitions for 810 KAR Chapter 5.

RELATES TO: KRS 230.210, 230.215, 230.260, 230.3615

STATUTORY AUTHORITY: KRS 230.215, 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations establishing conditions under which standardbred racing shall be conducted in Kentucky. KRS 230.260(8) authorizes the corporation to promulgate necessary and reasonable administrative regulations establishing conditions under which horse racing at a horse race meeting shall be conducted in this state. This administrative regulation defines the terms used in 810 KAR Chapter 5.

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 which 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) "Also eligible" means in standardbred racing:
 - (a) 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; or
 - (b) The next preferred nonqualifier for the finals, or consolation from a set of elimination trials, which becomes eligible if a finalist is scratched by the judges for a rule violation, or is otherwise eligible if written race conditions permit.
- (4) "Appeal" means a request for the corporation to investigate, consider, and review any decision or ruling of a judge or official of a meeting.
- (5) "ARCI" means the Association of Racing Commissioners International.
- (6) "Association" is defined by KRS 230.210.
- (7) "Claiming race" means a race in which ownership of a horse participating in the race may be transferred in conformity with 810 KAR 5:030.
- (8) "Closing" means the time published by the association after which entries for a race will not be accepted by the racing secretary.
- (9) "Coggins test" means a blood test used to determine if a horse is positive for Equine Infectious Anemia.
- (10) "Commission" is defined in 810 KAR 6:001.
- (11) "Condition race" means an overnight race in which eligibility is determined according to specified conditions, such as:
 - (a) Age;
 - (b) Sex;
 - (c) Earnings;
 - (d) Number of starts; or
 - (e) Positions of finishes.
- (12) "Conditions" means qualifications that determine a horse's eligibility to be entered in a race.
- (13) "Coupled entry" means two (2) or more horses in a race that are treated as a single betting interest for pari-mutuel wagering purposes.
- (14) "Dash" means a race in a single trial or in a series of two (2) or three (3) races governed by one (1) entry fee for the series, in which:

- (a) A horse starts in all races with positions drawn for each race; and
 - (b) The number of purse distributions or payouts awarded does exceed the number of starters in the race.
- (15) "Day" means any twenty-four (24) hour period beginning at 12:01 a.m. and ending at midnight.
- (16) "Declaration" means the naming of a particular horse as a starter in a particular race.
- (17) "Disqualification" means a ruling of the judges or the corporation revising the order of finish of a race.
- (18) "Draw" means the process of determining post positions by lot.
- (19) "Driver" means a person who is licensed to drive a horse in a race.
- (20) "Early closing race" means a race for a definite amount of money in which entries close at least six (6) weeks prior to the race.
- (21) "Electronic eligibility" means a computer-generated eligibility certificate that records a horse's racing statistics.
- (22) "Elimination heat" means an individual heat of a race in which the contestants qualify for a final heat.
- (23) "Entry" means the act of nominating a horse for a race in conformance with KAR Title 810.
- (24) "Extended pari-mutuel meeting" means a meeting or series of meetings:
- (a) At which an agricultural fair is not in progress;
 - (b) With an annual total of more than six (6) days duration; and
 - (c) During which pari-mutuel wagering is permitted.
- (25) "Field" or "mutuel field" means a single betting interest involving more than one (1) horse that is not a mutuel entry.
- (26) "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or alternative ruling of the judges or the corporation.
- (27) "Foul" means any action by any driver that tends to hinder another driver or any horse in the proper running of the race.
- (28) "Futurity" means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.
- (29) "Handicap" means a race in which allowances are made according to a horse's:
- (a) Age;
 - (b) Sex;
 - (c) Claiming price; or
 - (d) Performance.
- (30) "Horse" means any equine registered for racing with the applicable breed registry, irrespective of age or sex designation.
- (31) "Ineligible" means a horse or person not qualified under Title 810 KAR or conditions of a race to participate in a specified racing activity.
- (32) "In harness" means that the performance will be to a sulky.
- (33) "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.
- (34) "Late closing race" means a race for a fixed amount of money in which entries close less than six (6) weeks but more than three (3) days before the race is to be contested.
- (35) "Lessee" means a licensed owner whose interest in a horse is a leasehold.
- (36) "Licensed premises" is defined by KRS 230.210.
- (37) "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.
- (38) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted by the corporation 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.
- (39) "Month" means calendar month.
- (40) "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.
- (41) "Nomination" means a subscription or entry of a horse in a stakes or early closing race.
- (42) "Nominator" means the person in whose name a horse is entered for a stakes race.
- (43) "Objection" means a verbal claim of foul in a race lodged by the horse's driver, trainer, or owner before the race is declared official.
- (44) "Official time" means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line.
- (45) "Overnight race" means a contest for which entries close at a time set by the racing secretary.
- (46) "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.
- (47) "Pari-mutuel wagering," "mutuel wagering", or "pari-mutuel system of wagering" is defined by KRS 230.210.
- (48) "Patron" means an individual present at a track, a licensed premises, or a simulcast facility who observes or wagers on a live or historical horse race.
- (49) "Post" means the starting point of a race.
- (50) "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.
- (51) "Post time" means the advertised moment scheduled for the arrival of all horses at the starting point for a race.
- (52) "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, driver, or official prohibited by rules which, if true, would exclude that horse or driver from racing.
- (53) "Purse" means the gross cash portion of the prize for which a race is run.
- (54) "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.
- (55) "Race" means a running contest between horses, driven by drivers at a recognized meeting, during regular racing hours, for a prize.
- (56) "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.
- (57) "Racing official" means a corporation member, corporation staff, as duties require, and all association racing department employees, as duties require.
- (58) "Registration certificate" means the document, racing permit, or virtual certificate issued by the appropriate breed registry identifying the horse for racing.
- (59) "Result" means the part of the official order of finish in a race used to determine the pari-mutuel payoff of pari-mutuel pools.
- (60) "Rulings" means all determinations, decisions, or orders of the judges or of the corporation issued in writing and posted.
- (61) "Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries for the race in conformance with Title 810 KAR.
- (62) "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.

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

(64) "Stable name" means a name used other than the actual legal name of an owner or lessee and that has been registered with the United States Trotting Association.

(65) "Stake" means a race that will be contested in a year subsequent to the closing of that year in which:

(a) The money given by the association conducting the race is added to the money contributed by the nominators, all of which, except deductions for breeders or nominator's awards, belongs to the winner or winners; and

(b) Except as established in 810 KAR 5:050, Section 6, all of the money contributed by the nominators belongs to the winner or winners.

(66) "Stakes" mean 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.

(67) "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.

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

(69) "Sulky" means a dual-wheel racing vehicle with dual shafts not exceeding the height of the horse's withers.

(70) "Suspended" means withdrawal of racing privileges by the judges or corporation.

(71) "USTA" means the United States Trotting Association.

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

(45 Ky.R. 1940; 3129; eff. 5-31-2019; 46 Ky.R. 2744; 47 Ky.R. 71; eff. 7-30-2020; 47 Ky.R. 2130; 48 Ky.R. 355; eff. 8-12-2021; TAm eff. 7-1-2024.)

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