

Technical Amendment
October 1, 2024

810 KAR 7:040. Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund.

RELATES TO: KRS 230.215, 230.260, 230.770, 230.802

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.770(1), (6), (7), 230.802(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.770(1) establishes the Kentucky standardbred development fund. KRS 230.770(6) and (7) authorize the corporation to promulgate administrative regulations establishing the eligibility of horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund and the conditions, class, and quality of the races. KRS 230.802(1) establishes the Kentucky standardbred breeders' incentive fund. KRS 230.802(2)(b) requires the corporation to promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, criteria for the distribution of moneys from these funds, mandatory criteria for races, and the administration of purses and payments in these races.

Section 1. Definitions.

- (1) "Consolation" means the race following a series of preliminary legs for the next preferred horses, as established in Section 6 of this administrative regulation, which did not qualify for the finals of each racing division of the Kentucky Sire Stakes program.
- (2) "Corporation" means the Kentucky Horse Racing and Gaming Corporation.
- (3) "Final" means the race following a series of preliminary legs established to determine the divisional champion of each racing division of the Sire Stakes Program.
- (4) "Kentucky-bred" means a standardbred horse that is:
 - (a) Foaled out of a standardbred mare that is registered with the corporation; or
 - (b) Sired by a standardbred stallion standing in Kentucky that is registered with the corporation.
- (5) "Kentucky Sire Stakes" means the series of races held annually in Kentucky for two (2) and three (3) year old Kentucky-bred fillies and colts, both trotting and pacing, and funded in whole or in part by the Kentucky Standardbred Development Fund or the Kentucky Standardbred Breeders' Incentive Fund.
- (6) "KSBIF" means the Kentucky Standardbred Breeders' Incentive Fund as established in KRS 230.802.
- (7) "KSDF" means the Kentucky Standardbred Development Fund as established in KRS 230.770.
- (8) "Stallion standing in Kentucky" means a stallion physically located and standing in Kentucky for 180 days of the calendar year in which the stallion is registered with the corporation that does not service mares in any other state outside Kentucky during the calendar year in which the stallion is registered.
- (9) "USTA" means the United States Trotting Association.

Section 2. Domicile Requirements.

- (1)

(a) An owner, lessee, stallion manager, or syndicate manager of a standardbred stallion residing in Kentucky who desires to use the stallion to breed and to have his progeny eligible for the KSDF or KSBIF shall register the stallion with the corporation by December 31st of the year of conception of the horse sought to be eligible by submitting a completed "KSDF/KSBIF Stallion Certificate of Eligibility Form", KHRGC 7-040-2.

(b) Standardbred stallions not residing in Kentucky shall not be required to register with the corporation. The progeny of a standardbred stallion not residing in Kentucky shall not be eligible for the KSDF or KSBIF unless the progeny is that of a standardbred mare registered under and meeting the requirements of this administrative regulation.

(c) All standardbred stallions shall be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency, whether residing in Kentucky or not.

(2)

(a) An owner, lessee, manager, or syndicate manager of a standardbred mare who desires to use the mare for breeding purposes and to have her progeny eligible for the KSDF or KSBIF shall register the mare by December 31st of the year of conception of the horse sought to be eligible by submitting a completed "KSDF/KSBIF Mare Certificate of Eligibility Form", KHRGC 7-040-3.

(b) To be eligible for registration, the mare shall:

1. Be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency; and
2. Have resided in Kentucky for a period of not less than 180 days in the calendar year of conception of the horse sought to be eligible.

(c) If a horse is conceived by embryo and ovum transplant (ET), both the donor mare and recipient mare shall be registered during the year of conception, and the recipient mare shall reside in Kentucky for a period of not less than 180 days in the calendar year of conception of the horse sought to be eligible.

(3) Registrations shall be received by the corporation by the close of business or postmarked on the deadline established in this section in order to be eligible.

(4) An owner, lessee, stallion manager, manager, or syndicate manager of a stallion or mare eligible for the KSDF and KSBIF shall be responsible for:

(a) The registrations and records of the farm where the stallion stands or the mare resides; and

(b) Complying with all applicable requirements of this administrative regulation.

Section 3. Eligibility.

(1) In order to qualify for the Kentucky Sire Stakes, a foal shall be a two (2) or three (3) year old Kentucky-bred and shall maintain eligibility for the KSDF and KSBIF as established in Sections 16, 19, and 20 of this administrative regulation.

(2) Notwithstanding the foregoing, semen from a stallion standing in Kentucky may be shipped to mares in any jurisdiction outside of Kentucky at any time during the calendar year in which the stallion is registered. Additionally, a registered stallion may shuttle to countries in the Southern Hemisphere to service mares, provided the stallion meets all other standing requirements. But, a registered stallion shall not service mares in any country, other than the United States or countries in the Southern Hemisphere by way of shuttle. Also, a registered stallion shall not shuttle to any state or jurisdiction in North America, other than Kentucky, in order to service mares. The changes in this subsection shall be effective starting with the 2020 breeding season and in subsequent years.

(3)

(a) Except as provided by paragraph (b) of this subsection, only a foal that is the first born to a mare (donor or recipient) in each calendar year produced by any method, including embryo and ovum transplant (ET), shall be eligible for the Kentucky Sire Stakes.

(b) Natural birth twins produced from the same pregnancy and foaling by the natural, nonrecipient mare shall also be eligible.

(4) Any future offspring of foals ineligible for racing under this section shall be ineligible for the Kentucky Sire Stakes.

Section 4. Distance. Each Kentucky Sire Stakes race shall be a one (1) mile dash.

Section 5. Post Positions. Post positions for the final, consolation, and all preliminary legs of the Kentucky Sire Stakes race shall be an open draw with two (2) horses drawn for the final and consolation races that are designated as "also eligibles" under Section 6(7) of this administrative regulation.

Section 6. Eligibility for the Final and Consolation Races.

(1) Beginning with the 2018 Kentucky Sire Stakes races, consolation races may be eligible for funding.

(2) A horse that does not start in at least one (1) of the preliminary legs scheduled shall not be eligible for the final or consolation.

(a) All horses earning points may enter in the final with:

1. The top eight (8) point earners, if the horses raced on a half (1/2) mile track or five-eighths (5/8) mile track; or

2. Top ten (10) point earners, if the horses raced on a one (1) mile track, to be declared eligible.

(b) On a half (1/2) mile track or five-eighths (5/8) mile track, the top eight (8) point earners shall not be eligible for the consolation. On a one (1) mile track, the top ten (10) point earners shall not be eligible for the consolation.

(c) A horse that is eligible to race in the final shall only be eligible to race in the final, unless the horse is qualified as an also eligible.

(d) A horse that is eligible to race in the consolation shall only be eligible to race in the consolation, unless qualified in the final as an also eligible.

(e) A horse that scratches from the final shall not race in the consolation.

(f) A horse that has qualified for the final or consolation shall remain eligible for the final or consolation.

(g) At least seven (7) eligible horses shall be declared for a consolation race to be contested.

(h) A horse that is automatically eligible to race in the final race shall not start in the consolation race.

(3) A horse that enters a preliminary leg that does not fill and is not raced shall receive credit toward fulfilling the minimum starting requirements established in subsection (2) of this section and toward determining tiebreaker status as established in subsection (6) (b) of this section.

(4) A horse that has been scratched from an event that is raced shall not receive credit toward meeting the starting requirements established in subsection (2) of this section.

(5) A horse, in order to start in the final or consolation, shall be declared at the host track where the race is being held on or before the time posted on the track condition sheet.

(6)

(a) If the number of horses eligible and declared into any final or consolation event exceeds the maximum number specified by the KSDF or KSBIF or the number of positions on the starting gate, the following point system as applied to KSDF preliminary legs shall determine preference for the final:

1. 1st place - fifty (50) points;
2. 2nd place - twenty-five (25) points;
3. 3rd place - twelve (12) points;
4. 4th place - eight (8) points;
5. 5th place - five (5) points;
6. 6th place and all other starters - one (1) point; and
7. A horse finishing in a dead heat for any position in a preliminary leg shall be awarded an equal share of the total number of points awarded for that position.

(b) If there is a tie among horses after the awarding of points pursuant to paragraph (a) of this subsection, there shall be a drawing by lot among those horses tied in total points to determine which horses shall be included in the final field.

(c) If a horse that is qualified for the final or consolation is not declared, the horse with the next highest point total, pursuant to paragraph (a) of this subsection, that is declared shall be eligible for the final or consolation.

(7) Also eligibles.

(a) The two (2) horses accumulating the highest point total, pursuant to subsection (6) of this section, that are declared into the final or consolation, but do not qualify for the final or consolation, shall be designated "also eligible". The horse with the highest point total from the preliminary legs shall be designated as the "first also eligible" and the horse with the next highest point total shall be designated as the "second also eligible".

(b) A horse that is scratched in the final or consolation shall be replaced by the "first also eligible" and then the "second also eligible", if necessary.

1. If post positions have not been drawn at the time of the scratch, the "also eligible" shall take the place of the horse that has been scratched and shall participate in the normal draw.
2. If post positions have been drawn at the time of the scratch, the "also eligible" shall assume the post position of the horse that has been scratched.
3. A horse shall not be moved into the final or consolation as a replacement after the official scratch time deadline that is in effect at the host track.

Section 7. Final Order of Finish. The judges' "official order of finish" shall be used in determining eligibility to the final exclusive of all appeals yet to be decided at the time of closing of the entry box for final events.

Section 8. Detention. All starters shall be subject to the detention policy of the racetrack.

Section 9. Number of Starters.

- (1) There shall not be more than:
 - (a) Ten (10) starters in each final race on a one (1) mile track; and
 - (b) Eight (8) horses on a one-half (1/2) or five-eighths (5/8) mile track.
- (2) All horses shall be on the gate for the final race.

Section 10. Declaration Fees.

- (1) For each horse declared to race in a preliminary leg, there shall be a declaration fee of one-half of one percent (0.5%) of the total purses distributed or to be distributed for each race in which the horse is declared.
- (2) The declaration fee shall be due to the racing association at the time of declaration and payable one (1) hour prior to post time of the race.
- (3) Purses for the KSDF and KSBIF shall consist of money from:
 - (a) Nominating fees;
 - (b) Sustaining fees;
 - (c) Declaration fees; and
 - (d) Added money from the Commonwealth of Kentucky.

(4)

(a) Distribution of revenue for Kentucky Sire Stakes races shall be reviewed and addressed annually, not later than December 15 of each calendar year, by an advisory panel appointed by the Chairman of the corporation and consisting of one (1) representative from each of the following:

1. The corporation, who shall serve as the chairman of the panel;
2. The Kentucky Harness Horseman's Association;
3. The Kentucky Harness Association;
4. The host racetrack; and
5. One (1) participant in the fund nominated by the chairman of the corporation from a group of up to four (4) nominees recommended by each of the above four (4) members having one (1) nomination each.

(b) Each member of the panel shall serve from July 1 through June 30 of the following year and shall be a resident of Kentucky.

(c) The final determination regarding distribution of revenue shall be made by the corporation.

Section 11. Divisions of Preliminary Legs.

(1) The total number of horses entered shall determine the number of divisions of the preliminary legs that shall be required.

(2) Preliminary legs shall be split into divisions as follows:

(a) One (1) mile track:

1. Twelve (12) horses or less entered - one (1) division race.
2. Thirteen (13) to twenty (20) horses entered - two (2) divisions.
3. Twenty-one (21) to thirty (30) horses entered - three (3) divisions.
4. Thirty-one (31) to forty (40) horses entered - four (4) divisions.
5. Forty-one (41) to fifty (50) horses entered - five (5) divisions.
6. Fifty-one (51) to sixty (60) horses entered - six (6) divisions.

(b) One-half (1/2) and five-eighths (5/8) mile track:

1. Nine (9) to ten (10) horses entered - one (1) division.
2. Eleven (11) to sixteen (16) horses entered - two (2) divisions.
3. Seventeen (17) to twenty-four (24) horses entered - three (3) divisions.
4. Twenty-five (25) to thirty-two (32) horses entered - four (4) divisions.
5. Thirty-three (33) to forty (40) horses entered - five (5) divisions.
6. Forty-one (41) to forty-eight (48) horses entered - six (6) divisions.

(c) If the need exists for seven (7) or more divisions, eligibility to the final shall be determined in a manner consistent with the published conditions.

Section 12. Gait.

(1) Gait shall be specified by the owner of the horse on or before the first two (2) year old payment.

(2)

(a) Change of gait may be made at the time of declaration at the track.

(b) Sustaining payments shall remain in the funds of the original gait specified.

(3) A horse shall not race on both gaits in the same year.

Section 13. Divisions. A race shall be raced in separate divisions as follows:

(1) Colt, gelding, ridgeling divisions; and

(2) Filly divisions.

Section 14. Purse Distributions.

(1) The purses awarded for all races shall be distributed on the following percentage basis:

- (a) Five (5) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8) percent, and five (5) percent;
 - (b) Four (4) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, eight (8) percent, and the remaining five (5) percent reverts back to the fund;
 - (c) Three (3) starters - fifty (50) percent, twenty-five (25) percent, twelve (12) percent, and the remaining thirteen (13) percent reverts back to the fund;
 - (d) Two (2) starters - fifty (50) percent, and twenty-five (25) percent, and the remaining twenty-five (25) percent reverts back to the fund; and
 - (e) One (1) starter - fifty (50) percent, and the remaining fifty (50) percent reverts back to the fund.
- (2) The percentage basis established by subsection (1) of this section shall apply at each of the Kentucky pari-mutuel tracks.

Section 15. Cancellations.

- (1) If circumstances prevent the racing of an event and the race is not drawn, all funds allocated to the division in each of the preliminary legs or the final shall be refunded and prorated to the owners of the horses eligible at the time of cancellation.
- (2) The eligible horses shall include only horses that made the payments required by Section 20 of this administrative regulation.
- (3) The added monies provided by the Commonwealth of Kentucky for use in the KSDF and KSBIF shall be disbursed by December 15 of each calendar year in accordance with the formula created by the panel as set out in Section 10(4) of this administrative regulation.

Section 16. Qualifying.

- (1) Any horse declared into a Kentucky Sires Stakes race shall:
 - (a) Show at least one (1) charted race line with no breaks within forty-five (45) days prior to the day of the race; and
 - (b) Have satisfied the following time requirements:
 - 1. On a track larger than five-eighths (5/8) of a mile:
 - a. A two (2) year old trotter shall have been timed in two minutes and six seconds (2:06) or faster;
 - b. A two (2) year old pacer shall have been timed in two minutes and four seconds (2:04) or faster;
 - c. A three (3) year old trotter shall have been timed in two minutes and two seconds (2:02) or faster; and
 - d. A three (3) year old pacer shall have been timed in two minutes and zero seconds (2:00) or faster.
 - 2. On a five-eighths (5/8) mile track:
 - a. A two (2) year old trotter shall have been timed in two minutes and seven seconds (2:07) or faster;
 - b. A two (2) year old pacer shall have been timed in two minutes and five seconds (2:05) or faster;
 - c. A three (3) year old trotter shall have been timed in two minutes and three seconds (2:03) or faster; and
 - d. A three (3) year old pacer shall have been timed in two minutes and one second (2:01) or faster.
 - 3. On a one-half (1/2) mile track:
 - a. A two (2) year old trotter shall have been timed in two minutes and eight seconds (2:08) or faster;
 - b. A two (2) year old pacer shall have been timed in two minutes and six seconds (2:06) or faster;

c. A three (3) year old trotter shall have been timed in two minutes and four seconds (2:04) or faster; and

d. A three (3) year old pacer shall have been timed in two minutes and two seconds (2:02) or faster.

(2) A horse shall be scratched from a race if the person declaring the horse has failed to advise the race secretary of a start that is not reflected on the electronic eligibilities.

(3) The requirements of this section shall apply both to wagering and nonwagering races.

Section 17. Purse Allocations.

(1) At a scheduled meeting of the corporation, the corporation shall:

(a) Establish the distribution of funds for stakes races for the upcoming year; and

(b) Authorize expenditures at a time it designates.

(2) The racing dates for KSDF and KSBIF stakes shall be issued after the track has established its race dates.

Section 18. Promotions. The KSDF or KSBIF may provide a trophy for each event, and the program that provides the trophy shall purchase the trophy out of its fund.

Section 19. Nomination Fees.

(1) After payment of the mare or stallion nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year, as set forth in Section 20. The "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRGC 7-040-1, shall be filed with the corporation along with the nomination and sustaining fees.

(2) After payment of the yearling nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year, as set forth in Section 20. The "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRGC 7-040-1, shall be filed with the corporation along with the nomination and sustaining fees.

(3) The two (2) year old March 15 payment shall be made to remain eligible to the KSDF and KSBIF as a three (3) year old without penalty, except as provided in Section 20.

(4) Nomination and sustaining payments shall be made to the KSDF and KSBIF in U.S. funds by a money order or a check drawn on a U.S. bank account.

Section 20. Nomination Schedule.

(1) Mares or Stallions shall be nominated by December 31 of the year of conception of the horse sought to be eligible by submitting a completed "KSDF/KSBIF Stallion Certificate of Eligibility Form," KHRGC 7-040-2, or "KSDF/KSBIF Mare Certificate of Eligibility Form," KHRGC 7-040-3. The nomination fee shall be set forth in KHRGC 7-040-2 or 7-040-3, except as provided in subsection (4) of this section.

(2) For yearlings sired by a standardbred stallion or mare that resided in Kentucky during the year of conception for a period no less than 180 days and registered with the KSDF and KSBIF, the nomination fee shall be set forth in the "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRGC 7-040-1, except as provided in subsection (5) of this section.

(3) Nominated horses shall be registered with the USTA, Standardbred Canada, or other appropriate international harness racing governing agency and shall be properly identified to the satisfaction of the corporation at the time of the nomination. Identification shall be determined by the official registration maintained by the USTA, Standardbred Canada, or other appropriate international harness racing governing agency.

(4) If a mare is not nominated to the KSDF and KSBIF by December 31 of the year of conception, the mare shall be nominated by submitting a KSDF/KSBIF Application for Late Mare Registration, KHRGC 7-040-4, and paying a penalty as set forth in KHRGC 7-040-4.

(5) If a horse sired by a standardbred stallion or mare that resided in Kentucky during the year of conception, for a period no less than 180 days, and registered with the KSDF and KSBIF is not nominated during its yearling year, the horse may be nominated by March 15 of its two (2) year old year by submitting the "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form," KHRGC 7-040-1, and paying a penalty as set forth in KHRGC 7-040-1.

(6) For three (3) year old horses that fail to make the mandatory March 15 two (2) year old sustaining payment, the horse may be nominated by February 15 of its three (3) year old year by submitting a KHRGC 7-040-1 and paying a penalty as set forth in KHRGC 7-040-1.

Section 21. Early Closing Events. The corporation may provide for separate early closing events for Kentucky-bred horses.

Section 22. Stallion and Breeder Awards. The corporation may provide for stallion and breeder awards for Kentucky-bred horses.

Section 23. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "KSDF/KSBIF Kentucky Sire Stakes (KYSS) Nomination Form", KHRGC 7-040-1, 2023;

(b) "KSDF/KSBIF Stallion Certificate of Eligibility Form", KHRGC 7-040-2, 2023;

(c) "KSDF/KSBIF Mare Certificate of Eligibility Form", KHRGC 7-040-3, 2023; and

(d) "KSDF/KSBIF Application for Late Mare Registration", KHRGC 7-040-4, 2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing and Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at https://khrc.ky.gov/new_docs.aspx?cat=32.

(45 Ky.R. 1984; 3158; eff. 5-31-2019; 46 Ky.R. 2537; 47 Ky.R. 79; eff. 7-30-2020; 49 Ky.R. 2011; 50 Ky.R. 45; eff. 10-3-2023; 50 Ky.R. 2105; 51 Ky.R. 48; eff. 10-1-2024.)