

230.210 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Advance deposit account wagering" means a form of pari-mutuel wagering in which an individual may establish an account with a person or entity licensed by the racing commission, and may place a pari-mutuel wager through that account that is permitted by law;
- (2) "Advance deposit account wagering licensee" means a person or entity licensed by the racing commission to conduct advance deposit account wagering and accept deposits and wagers, issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts;
- (3) "Amateur youth sporting event" means any sporting event in which an individual:
 - (a) Shall be less than eighteen (18) years of age to participate; and
 - (b) Is prohibited, as a condition of participating in the sporting event, from receiving direct or indirect compensation for the use of the individual's athletic skill in any manner with respect to the sport in which the particular sporting event is conducted;
- (4) "Appaloosa race" or "Appaloosa racing" means that form of horse racing in which each horse participating in the race is registered with the Appaloosa Horse Club of Moscow, Idaho, and is mounted by a jockey;
- (5) "Arabian" means a horse that is registered with the Arabian Horse Registry of Denver, Colorado;
- (6) "Association" means any person licensed by the Kentucky Horse Racing Commission under KRS 230.300 and engaged in the conduct of a recognized horse race meeting;
- (7) "Geofence" means a virtual geographic boundary defined by Global Positioning System (GPS) or Radio Frequency Identification (RFID) technology;
- (8) "Harness race" or "harness racing" means trotting and pacing races of the standardbred horses;
- (9) "Horse race meeting" means horse racing run at an association licensed and regulated by the Kentucky Horse Racing Commission, and may include Thoroughbred, harness, Appaloosa, Arabian, paint, and quarter horse racing;
- (10) "Host track" means the track conducting racing and offering its racing for intertrack wagering, or, in the case of interstate wagering, means the Kentucky track conducting racing and offering simulcasts of races conducted in other states or foreign countries;
- (11) "Intertrack wagering" means pari-mutuel wagering on simulcast horse races from a host track by patrons at a receiving track;
- (12) "Interstate wagering" means pari-mutuel wagering on simulcast horse races from a track located in another state or foreign country by patrons at a receiving track or simulcast facility;
- (13) "Kentucky quarter horse, paint horse, Appaloosa, and Arabian purse fund" means a purse fund established to receive funds as specified in KRS 230.3771 for purse

programs established in KRS 230.446 to supplement purses for quarter horse, paint horse, Appaloosa, and Arabian horse races. The purse program shall be administered by the Kentucky Horse Racing Commission;

- (14) "Kentucky resident" means:
 - (a) An individual domiciled within this state;
 - (b) An individual who maintains a place of abode in this state and spends, in the aggregate, more than one hundred eighty-three (183) days of the calendar year in this state; or
 - (c) An individual who lists a Kentucky address as his or her principal place of residence when applying for an account to participate in advance deposit account wagering;
- (15) "Licensed facility for sports wagering" means the designated areas to conduct sports wagering for a track licensed to conduct sports wagering pursuant to KRS 230.811;
- (16) "Licensed premises" means a track or simulcast facility licensed by the racing commission under this chapter;
- (17) "Paint horse" means a horse registered with the American Paint Horse Association of Fort Worth, Texas;
- (18) "Pari-mutuel wagering," "pari-mutuel system of wagering," or "mutuel wagering" each means any method of wagering previously or hereafter approved by the racing commission in which one (1) or more patrons wager on a horse race or races, whether live, simulcast, or previously run. Wagers shall be placed in one (1) or more wagering pools, and wagers on different races or sets of races may be pooled together. Patrons may establish odds or payouts, and winning patrons share in amounts wagered including any carryover amounts, plus any amounts provided by an association less any deductions required, as approved by the racing commission and permitted by law. Pools may be paid out incrementally over time as approved by the racing commission;
- (19) "Person" means an individual, sole proprietorship, partnership, association, fiduciary, corporation, limited liability company, or any other business entity;
- (20) "Principal" means any of the following individuals associated with a partnership, trust, association, limited liability company, or corporation that is licensed to conduct a horse race meeting or an applicant for a license to conduct a horse race meeting:
 - (a) The chairman and all members of the board of directors of a corporation;
 - (b) All partners of a partnership and all participating members of a limited liability company;
 - (c) All trustees and trust beneficiaries of an association;
 - (d) The president or chief executive officer and all other officers, managers, and employees who have policy-making or fiduciary responsibility within the organization;
 - (e) All stockholders or other individuals who own, hold, or control, either directly or indirectly, five percent (5%) or more of stock or financial interest in the

collective organization; and

- (f) Any other employee, agent, guardian, personal representative, or lender or holder of indebtedness who has the power to exercise a significant influence over the applicant's or licensee's operation;
- (21) "Quarter horse" means a horse that is registered with the American Quarter Horse Association of Amarillo, Texas;
- (22) "Racing commission" means the Kentucky Horse Racing Commission;
- (23) "Receiving track" means a track where simulcasts are displayed for wagering purposes. A track that submits an application for intertrack wagering shall meet all the regulatory criteria for granting an association license of the same breed as the host track, and shall have a heated and air-conditioned facility that meets all state and local life safety code requirements and seats a number of patrons at least equal to the average daily attendance for intertrack wagering on the requested breed in the county in which the track is located during the immediately preceding calendar year;
- (24) "Simulcast facility" means any facility approved pursuant to the provisions of KRS 230.380 to simulcast live racing and conduct pari-mutuel wagering on live racing;
- (25) "Simulcasting" means the telecast of live audio and visual signals of horse races for the purpose of pari-mutuel wagering;
- (26) "Sporting event" means an event at which two (2) or more persons participate in athletic contests, or an event that takes place in relation to athletic contests as approved by the racing commission but shall not include horse racing or amateur youth sports or athletic events in which the majority of participants are under the age of eighteen (18);
- (27) "Sports governing body" means the organization, league, or association that oversees a sport, prescribes final rules, and enforces codes of conduct with respect to such sport and participants therein;
- (28) "Sports wagering" means the wagering conducted under this chapter on sporting events or portions of sporting events, or on the individual performance statistics of athletes in a sporting event or combination of sporting events, in conformance with federal law and as authorized by the racing commission pursuant to this chapter;
- (29) "Sports wagering device" means a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, software, piece of equipment, or supply approved by the racing commission for conducting sports wagering under this chapter. This term includes a personal computer, mobile device, or other device used in connection with sports wagering not conducted at a licensed facility for sports wagering;
- (30) "Sports wagering service provider" or "service provider" means a person authorized to conduct or manage sports wagering through an agreement with a track and provide these services at a licensed facility for sports wagering, simulcast facility, or through a website or mobile interface approved by the racing commission;
- (31) "Telephone account wagering" means a form of pari-mutuel wagering where an individual may deposit money in an account at a track and may place a wager by direct telephone call or by communication through other electronic media owned by

the holder of the account to the track;

- (32) "Thoroughbred race" or "Thoroughbred racing" means a form of horse racing in which each horse participating in the race is a Thoroughbred, (i.e., meeting the requirements of and registered with The Jockey Club of New York) and is mounted by a jockey; and
- (33) "Track" means any association duly licensed by the Kentucky Horse Racing Commission to conduct horse racing and shall include:
- (a) For facilities in operation as of 2010, the location and physical plant described in the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering," filed for racing to be conducted in 2010;
 - (b) Real property of an association, if the association received or receives approval from the racing commission after 2010 for a location at which live racing is to be conducted; or
 - (c) One (1) facility or real property that is:
 1. Owned, leased, or purchased by an association within a sixty (60) mile radius of the association's racetrack but not contiguous to racetrack premises, upon racing commission approval; and
 2. Not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 147, sec. 3, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 8, sec. 1, effective February 22, 2021. -- Amended 2015 Ky. Acts ch. 47, sec. 1, effective June 24, 2015. -- Amended 2012 Ky. Acts ch. 21, sec. 1, effective July 12, 2012. -- Repealed and reenacted 2011 Ky. Acts ch. 70, sec. 1, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 443, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 80, sec. 1, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 191, sec. 2, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 104, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 237, sec. 3, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 109, sec. 11, effective March 30, 1992. -- Amended 1986 Ky. Acts ch. 214, sec. 2, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 403, sec. 1. -- Created 1960 Ky. Acts ch. 184, sec. 1, effective June 16, 1960.

Legislative Research Commission Note (7/15/2010). In subsection (2) of this statute (renumbered as subsection (15) in 2011 Ky. Acts ch. 70, sec. 1), "Kentucky Horse Racing Authority" has been changed in codification to "Kentucky Horse Racing Commission" to correct an oversight in 2010 Ky. Acts ch. 24, sec. 443, which confirmed Executive Order 2009-535, including the renaming of the authority. This action was taken pursuant to 2010 Ky. Acts ch. 24, sec. 1938.