

810 KAR 2:080. Standardbred racing associations.

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the commission to regulate horse racing in Kentucky. This administrative regulation establishes requirements for the operation of standardbred racing associations.

Section 1. During the course of its race meetings, a licensed standardbred association shall display in the racing association's office the license issued by the commission for the current year.

Section 2. Default in Payment of Purses. An association shall not default in the payment of any purse that has been offered in a race.

Section 3. Time to File Claims for Unpaid Purses. Unless a claim for an unpaid purse is filed with or appealed to the commission within twelve (12) months after the date the race is contested, the commission may release any performance bond it holds related to the purse.

Section 4. If at a meeting of a licensed association, a race is contested that has been promoted by another party, and the promoters default in the payment of the amount raced for, the same liability shall attach to the licensed association as if the race had been offered by the licensed association.

Section 5. Minimum Advertised Purse or Schedule of Purses. If an association advertises a minimum purse and conducts a race for less than the advertised minimum, the association shall be fined the difference between the advertised minimum and the lesser purse for which the race was conducted, and the proceeds may be distributed among the money winning horses in proportion to their respective winnings.

Section 6. Removal of a Horse from the Grounds. A horse shall not be ordered off the grounds unless a minimum of twenty-four (24) hours' notice (excluding Sunday) is provided to the person in charge of the horse. A person shall not fail to remove a horse after proper notice.

Section 7. Driver Awards. An association shall not pay or advertise to pay an award other than to an owner, nominator, or breeder of a money-winning horse, except that an award may be made to a driver of a horse breaking or equaling an association or world record, or to a leading driver at a meeting.

Section 8. Paddock Rules.

(1) An association conducting an extended pari-mutuel meeting shall provide a paddock or receiving barn.

(2) The paddock or receiving barn shall be completely enclosed with a man-tight fence and each opening through the fence shall be policed by a person licensed by the commission who shall exclude unauthorized personnel. A daily record of persons entering or leaving the paddock from one (1) hour prior to the first post time until all races on that program have been completed shall be maintained on a form provided by the association and approved by the commission.

(3) A horse shall be in the paddock at the time prescribed by the presiding judge, but in any event at least one (1) hour prior to post time of the race in which the horse is to compete. Except for a warm up trip, a horse shall not leave the paddock until called to the post.

(4) A person entitled to admission to the paddock shall be at least sixteen (16) years old and shall include:

(a) An owner of a horse competing on the date of the race;

- (b) A trainer of a horse competing on the date of the race;
 - (c) A driver of a horse competing on the date of the race;
 - (d) A groom and caretaker of a horse competing on the date of the race;
 - (e) An official whose duties require the presence of that person in the paddock or receiving barn;
 - (f) An official of the commission;
 - (g) The designated representative of the horseman; and
 - (h) A person approved by the presiding judge.
- (5) Unless permission is granted by the judges, a driver, trainer, groom, or caretaker, once admitted to the paddock or receiving barn, shall not leave the paddock or receiving barn, other than to warm up a horse, until the race or races for which the horse was admitted is contested.
- (6) All persons, except drivers in the driver's stand, shall leave the paddock as soon as that person's duties are completed for the race or races for which that person was admitted.
- (7) A member of a registered stable, other than the driver, shall be entitled to admission to the paddock on any day a horse owned by that stable is racing.
- (8) During racing hours, an association shall provide the services of a farrier within the paddock.
- (9) During racing hours an association shall promptly provide suitable extra equipment as may be necessary.

Section 9. Photo Finish, Film Patrol, Head Numbers, Starting Gate.

- (1) At an association where pari-mutuel wagering is allowed, a photo finish, film patrol, head numbers, saddle pads, and starting gate shall be used.
- (2) At an extended pari-mutuel meeting, the association shall provide for a back-up starting gate.
- (3) If the judges use a photo to determine the order of finish, the photo shall be posted for public inspection.
- (4) Photo finish equipment shall include a stationary camera, mounted above the finish wire and perpendicular to the race track, along with a spinner or stationary target.
- (5) A camera utilizing a shutter between the film and the race track during the actual finish of a race, or which has a field view greater than twelve (12) inches at the finish line, shall not be utilized. The presiding judge shall verify that the photo finish equipment is in working order prior to each racing program.

Section 10. Driver Insurance. An association shall prepare and prominently display, in the race secretary's office, a statement containing the name of the company providing driver insurance coverage.

Section 11.

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 - (a) An association at an extended pari-mutuel meeting shall be equipped with a scientifically-reliable breath, blood, or urine alcohol testing device approved by the commission and operated by a person certified to use the device. A licensee may be required to submit to a breath analyzer test at the discretion of the presiding judge or his assistant, based on the presiding judge's reasonable suspicion that the person might have an impermissible amount of alcohol or illegal substances in his system.
 - (b) A person shall not be permitted to drive:
 - 1. If a breath, blood, or urine alcohol testing device reveals at the time of the person's entry into the paddock a reading of 0.05% or more of alcohol or any trace of illegal controlled substance either in the breath, blood, or urine of that individual;
 - or

2. If, in the opinion of the presiding judge, a person is impaired to the point the person's driving skills or judgement may be affected.

(c) At the time of entry into the paddock, if a breath, blood, or urine alcohol testing device given to a person who is scheduled to drive reveals the presence of 0.05% or more of alcohol or any trace of an illegal controlled substance, the presiding judge shall charge the driver with a violation pursuant to Section 15(1) of this administrative regulation.

(2) A person shall not be permitted to act as a judge, starter, or marshal if a breath, blood, or urine alcohol testing device reveals a presence of 0.05% of alcohol or any trace of illegal controlled substance in the blood, urine, or breath of that individual at any time on a race day during which that person is scheduled to officiate. If alcohol or illegal substances are found to be present, that individual shall be immediately relieved of duties for that program and a report shall be made prior to the next racing day to the commission for appropriate action. The individual shall be charged with a violation pursuant to Section 15(1) of this administrative regulation.

(3) In any meeting other than an extended pari-mutuel meeting, a driver, judge, starter, driver of the starting gate, and marshal shall submit to a breath, blood, or urine alcohol test if requested by the presiding judge. The result of the test shall be governed by subsection (2) of this section, and the individual shall be charged with a violation pursuant to Section 15(1) of this administrative regulation if the impermissible amount of alcohol or illegal substances are found to be present.

Section 12. A saddle pad in use at an association conducting an extended pari-mutuel meeting shall be standardized consistent with a format to be established by the United States Trotting Association.

Section 13. Horse Ambulance. During an extended pari-mutuel race meeting, an association shall provide a properly equipped and properly manned horse ambulance for the removal of injured or dead animals from the track. The horse ambulance shall be present on the grounds at any programmed race, time trial, or qualifying race under the jurisdiction of the commission. A horse ambulance shall be equipped with a screen for use if it is necessary to destroy an animal in view of the general public, and with a winch to lift dead or injured animals onto the ambulance. It shall be the responsibility of the commission to ensure that proper supplies of alcohol, water, euthanasia medication, and horse leg splints are aboard the ambulance.

Section 14. Emergency Medical and Ambulatory Services for Persons.

(1) At an association where any programmed race, time trial, or qualifying race under the jurisdiction of the commission takes place, it shall be the responsibility of the association to:

- (a) Provide a licensed paramedic, emergency medical technician, or the equivalent; and
- (b) Maintain in good operating order an ambulance or other suitable transportation, capable of transporting injured parties to an appropriate medical facility, available and stationed at an entrance to the racing surface allowing for visual contact with the race in progress.

(2) The medical personnel present shall make a prompt response if one (1) or more drivers or horses are involved in an accident or there is a need for emergency transportation.

(3) The ambulance shall be stationed at every programmed race, time trial, and qualifying race under the jurisdiction of the commission.

(4) The emergency medical personnel and the ambulance shall be on the premises during the period beginning one (1) hour prior to post time for the first race on the program, or first qualifying race, through the conclusion of the racing program. If the ambulance must

leave its station, a replacement ambulance shall be present on the association grounds before the next race is run.

Section 15. Commission Office. An association shall provide suitable facilities for the commission in the conduct of its business. Failure to do so within ten (10) days after written notification by the commission setting out the deficiencies of association facilities shall subject the licensee to a fine up to \$250 per day for each day that suitable facilities are not thereafter provided.

Section 16. Policing of Premises. The association shall provide a sufficient number of guards and watchmen to maintain order on all parts of the racing enclosure. No tipster shall be allowed on the licensed premises, no groom or stable attendant shall loiter in the betting ring or elsewhere with the evident intention of engaging in tipping for any remuneration or for nothing, and a person so found shall be immediately escorted to the general manager of the licensee and his license shall be taken up, and the licensee shall thereafter exclude the person from the licensed premises.

Section 17. Supervision of Peddlers. The association shall supervise the practice and methods of merchandise peddlers who may have entry to the track enclosure. Supervision shall be extended to any other stables where horses are lodged which may be eligible to race at the meeting. However, the association shall not by virtue of this rule or otherwise restrict the open purchasing or attempt to control or monopolize any business or proper selling of merchandise to owners, trainers, or stable employees.

Section 18. Drinking Fountains and Rest Rooms. The association shall furnish an adequate number of free drinking water fountains, comfort stations, and washrooms throughout its grounds and buildings for the use of the public.

Section 19. Stabling of Horses. A horse racing at a licensed meeting must be stabled within the confines of that track; however, in case of necessity a horse may be stabled within the confines of an adjacent Kentucky race track, or in another location approved by the commission. The association holding the race meeting shall provide for temporary stabling of horses, eligible to race, which are brought to the races from approved outside stable space.

Section 20. Watchmen in Stable Area. Each association shall maintain and furnish complete and adequate watchman service night and day in and about all stable enclosures.

Section 21. Duties of Watchmen.

(1) Watchmen shall be individually responsible for the certain part of the stable enclosure where they are on duty and shall immediately investigate and report the presence of anyone during the night or day who may be within the stable enclosure without possessing proper credentials.

(2) A letter of instructions to all watchmen shall be addressed to each of them by the association, covering fully their duties and their strict obligation to keep stable enclosures free from outsiders and hangers on, and a copy thereof furnished to the commission.

Section 22. Stable Enclosures Fenced. Stable enclosures must be properly fenced and admission granted only on proper license or credentials actually shown to the gatemen. This rule may be waived with commission approval.

Section 23. Betting by Racing Officials. Betting by racing officials is prohibited.

Section 24. Betting by Paddock Employees. A track employee working in the paddock area is not allowed to bet or pass information to outsiders for betting purposes.

Section 25. Exculpatory Clauses. Effective January 1, 1997, agreements (including but not limited to stall applications, entry forms, and condition books) between persons or entities

licensed by the Kentucky Racing Commission regarding the stabling of horses, the racing of horses, the training of horses or other activities at tracks owned or operated by licensed associations, and conditions of racing established by licenses associations, shall not contain provisions that absolve or hold harmless a licensee from liability, or limit the liability of a licensee, for loss, loss of use, injury, or damage caused or contributed to by the acts or omissions of any licensee, its agents, or employees, except for:

- (1) Ordinary negligence that causes or contributes to loss, injury, or damage to horses while on the premises of a licensed association; and
- (2) Ordinary negligence that causes or contributes to personal injury or property damage, including but not limited to loss, loss of use, injury, or damage to horses arising from the use of grass fields ("gallops") owned or controlled by the licensed association. Subject to the above exceptions, all licensees participating in the stabling of horses, the racing of horses, the training of horses, and related activities at tracks owned or operated by licensed associations shall be responsible for their own acts and omissions and those of their agents and employees to the same extent as provided by law. No licensee shall attempt to limit liability of a person or entity for gross negligence or intentional wrongdoing.

Section 26. Constructive Notice to and Consent of Licensees. Persons licensed by the Kentucky Horse Racing Commission shall be deemed, as a condition of licensure, to have notice of and to have consented to exculpatory provisions that comply with the limitations set forth in this regulation, included in agreements between licensees and in conditions of racing established by a licensed association. Exculpatory provisions which exceed the limitations set forth in this regulation shall be void and unenforceable in their entirety.

Section 27. Model Provision. The following provision shall be deemed to comply with the limitations set forth in this regulation: All Kentucky Horse Racing Commission licensees, including but not limited to the host association, owners, trainers, jockeys, drivers, and grooms ("licensees"), participating in stabling, racing, training, and related activities at (name of licensed association) recognize that hazards and risks inherent in such activities may cause the injury or death of horses. Therefore, in consideration of participating in stabling, racing, training and related activities at (name of licensed association), all licensees assume the risks of, and release, hold harmless, and covenant not to sue other participating licensees for:

- (1) Ordinary negligence that causes or contributes to loss, loss of use, injury, or damage to horses while on the premises of (name of association); and
- (2) Ordinary negligence that causes or contributes to personal injury or property damage, including but not limited to loss, loss of use, injury, or damage to horses arising from the use of grass fields ("gallops") owned or controlled by (name of licensed association), whether arising from alleged acts or omissions of a licensee, its agents, or employees, the condition of the premises of (name of licensed association), or any other cause. Except as provided above, licensees participating in racing, training, and related activities at (name of licensed association) shall be responsible for their own acts and omissions and those of their agents and employees to the same extent as provided by law.

Section 28. Persons Permitted on Licensed Premises.

- (1) A licensee of the commission shall immediately report to association security personnel the presence of any person not authorized by this administrative regulation to be on all or any portion of association grounds.
- (2) A licensee shall take all necessary measures that are not prohibited by law to maintain the security of horses on association grounds and to protect horses from injury due to mistreatment, fright, or tampering.

(3) Persons not employed by, or not the invited guests of, the racing association, the owner, or trainer of a horse scheduled to run that day shall be excluded from the paddock area, race strip, and appurtenant portions of the track, with the following exceptions:

- (a) Members, officers, and employees of the commission;
- (b) Racing officials;
- (c) Police officers;
- (d) Officials and directors of the United States Trotting Association;
- (e) Officials and directors of Standardbred Canada; and
- (f) Duly-accredited members of the news media.

Section 29. Admission to Premises. A current badge or button issued by the commission, or a current badge or button issued by the Association of Racing Commissioners International, shall be honored for admission to any location on association grounds operating under the jurisdiction of the commission.

Section 30. Limited Admission.

(1) A person not possessing and displaying a properly-issued badge or identification card shall not be permitted to enter any part of the licensed premises except the clubhouse, grandstand, or other areas open to patrons or the general public, with the following exceptions:

- (a) Members, officers, and employees of the commission;
- (b) Racing officials;
- (c) Police officers;
- (d) Persons permitted into the paddock area, race strip, and appurtenant portions of the track under Section 1(3) of this administrative regulation; and
- (e) Persons permitted into the stable area under Section 3(2) of this administrative regulation.

(2) Only the following persons performing official duties within the stable area shall be entitled to enter the stable area of a licensee:

- (a) Members, officers, and employees of the commission;
- (b) Members and employees of the association;
- (c) Racing officials;
- (d) Police officers;
- (e) Owners;
- (f) Trainers;
- (g) Grooms; and
- (h) Others who are performing official duties within the stable area.

Section 31. Identification Cards and Badges.

(1) Cards and badges.

(a) A licensee shall issue identification cards or badges only to:

- 1. The licensee's officers, employees, guards, and watchmen;
- 2. Drivers; and
- 3. Owners and trainers and their employees, assistants, grooms, and attendants.

(b) A licensee shall have the right to recall identification cards or badges upon reasonable cause to believe a violation of the law has occurred or as reasonably necessary to maintain effective security procedures.

(c) Identification cards or badges shall be collected from owners and trainers and their employees, assistants, grooms, and attendants when the horses of the owners or trainers are removed from the licensed premises.

(d) An identification card or badge shall not be transferable.

(e) An identification card or badge shall be subject to forfeiture if utilized or attempted to be utilized by a person other than the person to whom it was issued.

(f) The commission shall specifically identify by color designation each association under its control. The licensee shall only authorize admittance to the association upon the showing of a properly color-coded identification card or badge. An identification card or badge shall be subject to forfeiture if the holder utilizes the card or badge to attempt to gain entry or access to an association other than the one for which the card or badge applies.

(g) An identification card or badge may be declared forfeit by the executive director of the commission, the designated representative of the commission, or the presiding judge upon reasonable cause to believe a violation of the law has occurred, or as reasonably necessary to maintain effective security procedures.

(2) Enforcement. The director of security designated by the commission shall have the primary responsibility of enforcing this administrative regulation.

Section 32. Association with Undesirables Prohibited.

(1)

(a) An owner, driver, trainer, groom, attendant, or other person having charge of or access to a harness race horse shall not associate with, consort with, or in any manner communicate with a known gambler, bookmaker, tout, or persons of similar pursuits either on or off association grounds.

(b) An owner, driver, trainer, groom, attendant, or other person having charge of or access to a harness race horse shall be presumed to have knowledge of the reputation or notoriety of persons with whom he or she has communications regarding horse racing.

(2) A person under the jurisdiction or control of the commission shall have a duty to immediately report knowledge of any of the following activities to the commission or one

(1) of its appointed representatives:

(a) Offer or promise of a bribe;

(b) Request or suggestion for a bribe;

(c) Offer, promise, request, or suggestion of any other improper, corrupt, or fraudulent act or practice that could affect the outcome of a race; or

(d) Request or suggestion that a race be conducted otherwise than fairly and in accordance with the law.

Section 33. Tack Inspection. For the purpose of maintaining the safety and security of the association grounds, the commission or its designated representative shall have the right to permit an authorized person to inspect or examine the personal effects or property of every trainer, driver, stable foreman, groom, authorized agent, and veterinarian, by entering in or upon:

(1) The stable, rooms, or other places within the track enclosure where a race meeting is held; or

(2) Other tracks or places where horses eligible to race at a race meeting are kept.

(45 Ky.R. 1886; 3092; eff. 5-31-2019.)