

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(New Administrative Regulation)

810 KAR 4:020. Weights.

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215(2), 230.260

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the commission to promulgate administrative regulations prescribing conditions under which all horse racing is conducted in the Commonwealth. This administrative regulation provides the requirements for assigning weights to a horse in a race.

Section 1. Weight Assignments for Horses.

(1) Weight allowance shall be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the stewards.

(2) A horse shall start with only the weight allowance to which it is entitled at the time of starting, regardless of its allowance at time of entry.

(3) Weight penalties shall be mandatory. A horse incurring a weight penalty for a race shall not be entitled to any weight allowance for that race. A horse not entitled to the first weight allowance in a race condition shall not be entitled to any subsequent allowance specified in the race conditions.

(4) Claim of weight allowance to which a horse is not entitled shall not disqualify the horse, unless protest is made in writing and lodged with the stewards at least one (1) hour before post time.

(5) A horse shall not incur a weight penalty or be barred from any race for having been placed second or lower in any race. A horse shall not be given a weight allowance for failure to finish second or lower in any race.

(6)(a) Except as provided in paragraph (b) of this subsection, a horse shall not receive weight allowance and shall not be relieved of extra weight for having been beaten in one (1) or more races.

(b) A horse may receive weight allowances if it has not won a race within a specified period or a race of a specified value as set forth in the race conditions.

(7) Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and vice versa.

(8) In determining eligibility, allowances, and penalties, the reports, records, and statistics as recorded in racing publications shall be considered official, but may be corrected by the publisher up to forty-five (45) minutes prior to post time of the race.

(9) A maiden winning at an unrecognized meeting shall lose the maiden condition. All other horses winning at unrecognized meetings shall not be considered winners for weight allowance or eligibility in races run thereafter under the jurisdiction of the commission.

(10) A thoroughbred horse shall not be assigned a weight of less than 118 pounds, unless:

(a) Apprentice allowance is claimed;

(b) The horse is assigned a weight of less than 118 pounds in a handicap race by the racing secretary;

(c) The horse is a three (3) year old entered to run in a race against horses four (4) years old and older from January 1st through September 1st, in which case the horse shall not be assigned a weight less than 116 pounds; or

(d) The filly and mare weight allowance in subsection (11) applies.

(11) Except in handicaps, thoroughbred fillies two (2) years old shall be allowed three (3) pounds, and thoroughbred fillies and mares three (3) years old and older shall be allowed five (5) pounds before September 1, and three (3) pounds thereafter in a race that includes horses of the opposite sex.

(12) Thoroughbred and Arabian minimum scale weights shall be 120 pounds for two (2)-year-olds, 122 pounds for three (3)-year-olds, and 124 pounds for four (4)-year-olds and older.

(13) Quarter Horse, Appaloosa, and Paint Horse minimum scale weights shall be 122 pounds for two (2)-year-olds, 124 pounds for three (3)-year-olds, and 126 pounds for four (4)-year-olds and older.

(14) Five (5) pounds shall be the limit of overweight any horse is permitted to carry.

Section 2. Jockey Weight Procedures and Requirements.

(1) Jockeys shall be weighed out for their respective mounts by the clerk of scales not less than fifteen (15) minutes before post time. Only valets furnished by the association shall assist a jockey in weighing out.

(2) A jockey's weight shall include:

- (a) Clothing;
- (b) Boots;
- (c) Saddle and its attachments; and
- (d) Any other equipment except as specified in this subsection.

(3) A jockey's weight shall not include:

- (a) Riding crop;
- (b) Bridle;
- (c) Bit;
- (d) Reins;
- (e) Safety helmet;
- (f) Safety vest;
- (g) Blinkers;
- (h) Goggles;
- (i) Over-girth;
- (j) Breast collar; and
- (k) Number cloth.

(3) After a race has been run, the jockey shall ride promptly to the finish line, dismount, and present himself to the clerk of scales to be weighed in. The jockey shall carry to the clerk of scales all pieces of equipment with which he or she weighed out. The post-race weighing of a jockey shall include any sweat, dirt, and mud that have accumulated on the jockey, jockey's clothing, jockey's safety helmet, jockey's safety vest, and over-girth.

(4) Each jockey shall weigh in at no less than the weight at which he or she weighed out. If short, the stewards shall investigate and if warranted take disciplinary action against the individual or individuals responsible for the violation, including disqualification of the horse from receiving what would otherwise be its share of the purse.

(5) If a jockey is prevented from riding his mount to the finish line because of an accident or illness either to himself or his mount, the jockey may walk or be carried to the scales, or the jockey may be excused by the stewards from weighing in.

(6) A notice shall be included in the daily program that:

(a) Each jockey shall carry approximately three (3) pounds more than the published weight to account for safety helmets and safety vests not included in required weighing out procedures; and

(b) Upon approval of the stewards, a jockey may be allowed up to three (3) pounds addi-

tional clothing and equipment for inclement weather or track conditions.

FRANKLIN S. KLING, JR., Chairman

K. GAIL RUSSELL, Acting Secretary

APPROVED BY AGENCY: November 13, 2018

FILED WITH LRC: November 15, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 28, 2018 at 10:00 a.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by no later than five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: John L. Forgy, General Counsel, Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email John.Forgy@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John L. Forgy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes weight requirements and procedures for jockeys and horses.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide specific rules concerning the weights requirements and procedures for horses and jockeys in thoroughbred and other flat racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation establishes the rules pertaining to weight requirements and procedures for jockeys and horses in thoroughbred and other flat racing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth requirements and rules concerning the weight requirements and procedures for jockeys and horses in thoroughbred and other flat racing that enhance the integrity of racing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's five licensed thoroughbred race tracks, and all individual participants in horse racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Participants in horse racing, and especially owners, trainers and jockeys, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to the running of the race in thoroughbred and other flat racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Participants in racing will benefit from clearly defined rules that enhance the integrity of racing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding will be necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any current fees to participate.

(9) TIERING: Is tiering applied? Tiering was not applied because this regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215(2) and 230.260(8).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.