

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

810 KAR 5:010. Registration and identification of horses.

RELATES TO: KRS 230.215(2), 230.260(1), (7), (2)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements concerning the registration, ownership, and identification of horses, and the furnishing of information about standardbred horses.

Section 1. Registration. All matters relating to registration of standardbred horses shall be governed by the rules of the United States Trotting Association.

Section 2. Bona Fide Owner or Lessee. A horse shall race in the name of:

- (a) The bona fide owner; or
- (b) The lessee, and a copy of the lease shall be recorded with the judges before the horse is permitted to race.

Section 3. Program Information.

(1) A printed program shall be available to the public at any meeting in which horses are raced for purse money. A program shall furnish at a minimum:

- (a) Horse's name and sex;
- (b) Color and age;
- (c) Sire and dam;
- (d) Owner's name; and
- (e) Driver's name and colors.

(2) At extended pari-mutuel meetings, the program shall also furnish:

- (a) In claiming races, the price for which the horse is entered to be claimed;
- (b) At least two (2) accurate performance chart lines. An accurate performance chart line shall include:

- 1. Date of race;
- 2. Place of race;
- 3. Size of track, if other than a half-mile track;
- 4. Symbol for free-legged pacers;
- 5. Symbol for hobbled trotters;
- 6. Track condition;
- 7. Type of race;
- 8. Distance;
- 9. Fractional times of the leading horse including race time;
- 10. Post position;
- 11. Position of:
 - a. One-quarter (1/4);
 - b. One-half (1/2);
 - c. Three-quarters (3/4);
 - d. Stretch with lengths behind leader; and

- e. Finish with lengths behind leader;
 - 12. Individual time of the horse;
 - 13. Closing dollar odds;
 - 14. Name of the driver; and
 - 15. Names of the horses placed first, second, and third by the judges. The standard symbols for breaks and park-outs shall be used, if applicable;
 - (c) Information indicating drivers racing with a provisional license;
 - (d) Information indicating pacers racing without hobbles;
 - (e) Information indicating trotters racing with hobbles;
 - (f) For the current and preceding year, a summary of starts in purse races, earnings, and best win time. A horse's best win time may be earned in either a purse or non-purse race;
 - (g) The name of the trainer and stable, if applicable; and
 - (h) The date, place, time, driver, finish, track condition, and distance on the consolidated line, if the race is not one (1) mile.
- (3) All horses drawn into an early closer, a late closer, stake, or futurity shall be listed in the official program.

Section 4. Check on Identity of Horse. An association official or member of the commission, or their respective agents, may request information concerning the identity and eligibility of a horse on the grounds of a track, and may examine that horse for the purpose of establishing the horse's identity or eligibility. If the owner or party controlling that horse refuses to supply the information or to allow an examination, or fails to give satisfactory identification, the horse and the owner or party shall be barred and suspended or expelled.

Section 5. Identification Requirements. A horse shall not start at an extended pari-mutuel meeting if the horse has not:

- (1) Been tattooed,
- (2) Been freeze branded; or
- (3) Received an electronic horse identification microchip which:
 - (a) Accurately identifies the horse; and
 - (b) Complies with the international standard ISO 11784:1996/Amd 1:2004.

Section 6. False Chart Lines. An official, clerk, or person who enters a chart line on an electronic eligibility certificate if the race has not been charted by a licensed charter shall be in violation of this administrative regulation.

Section 7. Withholding Registration. A person withholding a registration certificate from the owner or lessee of a horse, after proper demand has been made for the return thereof, shall be suspended until the certificate is returned.

Section 8. Incorporation by Reference.

(1) "ISO 11784, Radiofrequency identification of animals," 1996/Amd 1:2004, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

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 requirements for the registration and identification of horses in standardbred racing, as well as program information.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide clear rules concerning the registration and identification of horses and the provision by racing association of accurate information concerning horses in racing programs.

(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 horse racing shall be conducted in Kentucky. This administrative regulation prescribes rules concerning horse registration and identification, program information, and conditions under which the horses will become eligible to race in particular standardbred races.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the Commission's statutory mandate to prescribe the conditions under which horse racing is conducted in the Commonwealth by establishing requirements concerning the registration and identification of horses and program information.

(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 two licensed standardbred 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 and trainers, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to the registration and identification of horses and program information in standardbred 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 administrative 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 significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the Commission.

(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 administrative 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.