



Andy Beshear  
Governor

Kerry B. Harvey  
Secretary

Jonathan Rabinowitz  
Chairman

Marc A. Guilfoil  
Executive Director

**Public Protection Cabinet**

**KENTUCKY HORSE RACING COMMISSION**

Established 1906

4063 Iron Works Pkwy., Bldg. B

Lexington, Kentucky 40511

Telephone: (859) 246-2040 Fax: (859) 246-2039

Website: <http://khrc.ky.gov>

**To:** Commissioners, Kentucky Horse Racing Commission

**From:** Jennifer Wolsing, General Counsel

**Date:** June 15, 2020

**Re:** Proposed Amendments to 810 KAR 3:020

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On June 15, 2020, the Rules Committee met and approved the following changes to the regulations governing the licensing of racing participants

810 KAR 3:020 Section 12: Financial Responsibility

(1) A licensee shall maintain financial responsibility during the period for which the license is issued.

(2) [A] Failure to meet the financial responsibility requirements of KRS 230.310 is defined as a licensee's failure to satisfy a final judgment and unappealable rendered against him or her by [a Kentucky] any administrative, state, or federal court [~~or a domesticated judgment from another jurisdiction,~~] for goods, supplies, services, or fees that are in any way related to the business of horse racing [used in the course of any occupation for which a license is required by this administrative regulation shall constitute a failure to meet the financial responsibility requirements of [KRS 230.310](#)].

(3) A licensee's failure to meet the financial responsibility requirements may be brought to the Commission's attention by anyone, including a successful plaintiff or a third party with knowledge of the final judgment.

(4) If the licensee fails to show just cause for his or her failure to satisfy the judgment, then his or her license may be suspended or revoked until the licensee provides written documentation of satisfaction of the judgment.

~~[(4)]~~ (5) An applicant for a license may be required to submit evidence of financial responsibility to the commission if a judgment as set forth in this Section has been rendered against him or her.

The three major changes to this regulation are as follows:

1. A licensee fails to meet financial responsibility requirements if he or she fails to satisfy any judgment against him or her that is related to the business of horse racing. Such a judgment can be related to any part of horse racing, even if it is not a licensed occupation.
2. A licensee does not have to domesticate out-of-state judgments to bring such a judgment to the Commission's attention. All that matters is that the judgement is final and unappealable.
3. Anyone can bring a complaint of financial irresponsibility to the Commission's attention, not just the successful plaintiff.

The KHRC staff recommends approval.

COMMISSION ACTION:

_____	Approved
_____	Denied
_____	Deferred



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**To:** Commissioners, Kentucky Horse Racing Commission  
**From:** Jennifer Wolsing, General Counsel  
**Date:** June 15, 2020  
**Re:** Proposed Amendments to 810 KAR 4:040 and 810 KAR 8:030

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On June 15, 2020, the Rules Committee and the Safety and Welfare Committee met and approved the following changes to the regulations governing the use of riding crops:

810 KAR 4:040: Running of the Race

Section 15. Use of Riding Crops.

- (1) Although the use of a riding crop is not required, a jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to maximize placing.
- (2) In any race in which a jockey will ride without a riding crop, an announcement of that fact shall be made over the public address system.
- (3) An electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than a riding crop approved by the stewards pursuant to 810 KAR 4:010, Section 11 shall not be possessed by anyone, or applied by anyone to a horse at any time at a location under the jurisdiction of the racing commission.
- (4) A riding crop shall not be used on a two (2) year-old horse in races before April 1 of each year.
- (5) Allowable uses of a riding crop include the following:



(a) The riding crop may be used at any time, without penalty, if, in the opinion of the stewards, the riding crop is used to avoid a dangerous situation or preserve the safety of other riders or horses in a race.

(b) If needed during the first eighth of a mile, a riding crop may be used in a backhanded or underhanded fashion;

(c) Tapping the horse on the shoulder with the crop in the down position while both hands are holding onto the reins and both hands are touching the neck of the horse;

(d) Showing or waving the riding crop without contact with the horse and giving the horse time to respond before striking the horse;

(6) Use of the riding crop to make contact with a horse to maintain focus and concentration, to control the horse for safety of the horse and rider, or to encourage a horse is allowed, with the following exceptions:

(a) Use of the crop in any manner beginning with any upward or forward motion of the hand, otherwise described as cocking the arm or wrist, resulting in more than six (6) strikes to the horse;

(b) Use of the crop and making contact with the horse more than two (2) successive strikes without allowing the horse a chance to respond, meaning;

(i) Pausing use of the riding crop between strikes; or,

(ii) Pushing on the horse with a rein in each hand and keeping the riding crop in a consistent up or down position;

(iii) Showing the horse the riding crop without making contact; or

(iv) Switching the riding crop from one hand to the other.

(c) Use of the crop with the rider's wrist above helmet height;

(d) Use of the crop on the head, flanks, or on any other part of its body other than the shoulders or hind quarters;

(e) Use of the crop during the post parade or after the finish of the race except if necessary to control the horse;

(f) Excessive or brutal use of the crop causing injury to the horse;

(g) Use of the crop causing welts or breaks in the skin;

(h) Use of the crop if the horse is clearly out of the race or has obtained its maximum placing; and

(i) Use of the crop even though the horse is showing no response.

(8) A riding crop shall not be used to strike another person.

(9) After the race, a horse will be subject to inspection by a racing official or official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.

(10) Use of the crop during workouts shall be permitted so long as such use does not violate sections 6(c) through (i).

(11) The giving of instructions by any licensee that, if obeyed, would lead to a violation of this section may result in disciplinary action also being taken against the licensee who gave the instructions.

(12) Only padded/shock absorbing riding crops which have not been modified in any way may be carried in a race.

(13) Riders using a riding crop in a manner contrary to this rule will be subject to disciplinary action according to the appropriate penalty schedules below:

(a) The seventh (7th) strike of a horse by a riding crop in a race shall result in a warning or fine.

(b) The eighth (8th) strike of a horse by riding crop in a race shall result in a warning or an increased fine.

(c) Striking a horse between nine (9) and twelve (12) times in a race shall result in either a suspension or a fine or both a suspension and a fine.

(d) Thirteen (13) or more strikes of a horse by a riding crop in a race shall result in progressive discipline up to revocation of license.

A rider cannot receive multiple disciplinary actions on the same race card without verbal confirmation of any prior rule violations by the stewards. Failure of prior notice will result in a single violation recorded for the race card.

810 KAR 8:030 will need to be amended to include the following Penalty Schedules:

**Overnight Races and Non-Graded Stakes Races**

	First Violation			Second Violation		
Penalty	7th Strike Verbal Warning	8th Strike Verbal Warning	9th Strike or more 50% of earnings	7th Strike 30% of earnings	8th Strike 60% of earnings (minimum \$400)	9th Strike or more 100% of earnings and one day suspension

	Third Violation			Fourth Violation		
Penalty	7th Strike 40% of earnings (minimum \$300)	8th Strike 70% of earnings (minimum \$500)	9th Strike or more 100% of earnings and three day suspension	7th Strike 50% of earnings (minimum \$500)	8th Strike 80% of earnings (minimum \$750)	9th Strike or more 100% of earnings and five day suspension

	Fifth Violation		
Penalty	7th Strike 60% of earnings (minimum \$1,000)	8th Strike 100% of earnings (minimum \$1,500)	9th Strike or more 100% of earnings and 10 day suspension

Six or more violations will result in a forty-five (45) day suspension for each infraction in addition to the penalties set forth above.

**Graded Stakes Races**

	First Violation			Second Violation		
Penalty	7th Strike 30% of earnings	8th Strike 60% of earnings (minimum \$400)	9th Strike or more 100% of earnings and one day suspension	7th Strike 40% of earnings (minimum \$300)	8th Strike 70% of earnings (minimum \$500)	9th Strike or more 100% of earnings and three day suspension

	Third Violation			Fourth Violation		
Penalty	7th Strike 50% of earnings (minimum \$500)	8th Strike 80% of earnings (minimum \$750)	9th Strike or more 100% of earnings and five day suspension	7th Strike 60% of earnings (minimum \$1,000)	8th Strike 100% of earnings (minimum \$1,500)	9th Strike or more 100% of earnings and 10 day suspension

Five or more violations will result in a forty-five (45) day suspension for each infraction in addition to the penalties set forth above.

For all races, whether overnight, non-graded stakes, or graded-stakes, in addition to the penalties set forth above,

1. Any rider striking a horse more than twelve (12) times in a race while continuing to persevere (non-safety situation) for a better placement will receive an automatic forty-five (45) calendar day suspension;
2. A second occurrence of more than twelve (12) strikes in a race while continuing to persevere (non-safety situation) for a better placement will receive an automatic sixty (60) calendar day suspension;
3. A third occurrence of more than twelve (12) strikes in a race while continuing to persevere (non-safety situation) for a better placement will receive an automatic one hundred and twenty (120) calendar day suspension; and
4. A fourth occurrence of more than eleven (11) strikes in a race while continuing to persevere (non-safety situation) for a better placement will receive an automatic one (1) year suspension.

Riders who incur a penalty infraction may reset the penalty schedule back to zero with six (6) consecutive months of infraction-free riding in Kentucky.

Notwithstanding any other provision of KAR Title 810 to the contrary, it shall be a violation of this section if the stewards determine that a particular use of the riding crop is unreasonable or unnecessary. For any violation of this section, and in addition to those penalties permitted under this section, or under KRS Chapter 230 or 810 KAR, the stewards may impose a fine or, for repeated offenses under this section, revoke or suspend the offending licensee's license.

810 KAR 8:030 Section 9(4) will need to be amended to remove the \$50,000.00 limitation on fines to allow for the percentage of earnings that are contemplated under the Penalty Schedule.

The KHRC staff recommends approval.

COMMISSION ACTION:

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Denied
- \_\_\_\_\_ Deferred

