

230.300 License to conduct race meetings or engage in simulcasting and intertrack wagering as a receiving track -- Application -- Racing dates.

- (1) Any person desiring to conduct horse racing at a horse race meeting within the Commonwealth of Kentucky or to engage in simulcasting and intertrack wagering as a receiving track during any calendar year shall first apply to the racing commission for a license to do so. The application shall be filed at the racing commission's general office on or before October 1 of the preceding year with respect to applications to conduct live horse race meetings, and with respect to intertrack wagering dates, and on forms prescribed by the racing commission. The application shall include the following information:
 - (a) The full name and address of the person making application;
 - (b) The location of the place, track, or enclosure where the applicant proposes to conduct horse racing meetings;
 - (c) The dates on which the applicant intends to conduct horse racing, which shall be successive days unless authorized by the racing commission;
 - (d) The proposed hours of each racing day and the number of races to be conducted;
 - (e) The names and addresses of all principals associated with the applicant or licensee;
 - (f) The type of organizational structure under which the applicant operates, i.e., partnership, trust, association, limited liability company, or corporation, and the address of the principal place of business of the organization;
 - (g) Any criminal activities in any jurisdiction for which any individual listed under paragraphs (a) and (e) has been arrested or indicted and the disposition of the charges, and any current or on-going criminal investigation of which any of these individuals is the subject; and
 - (h) Any other information that the racing commission by administrative regulation deems relevant and necessary to determine the fitness of the applicant to receive a license, including fingerprints of any individual listed under paragraphs (a) and (e), if necessary for proper identification of the individual or a determination of suitability to be associated with a licensed racing association.
- (2) An application for license shall be accompanied by the following documents:
 - (a) For a new license applicant, a financial statement prepared and attested to by a certified public accountant in accordance with generally accepted accounting principles, showing the following:
 1. The net worth of the applicant;
 2. Any debts or financial obligations owed by the applicant and the persons to whom owed; and
 3. The proposed or current financing structure for the operation and the sources of financing.

- (b) For a license renewal applicant, an audited financial statement for the prior year;
 - (c) A copy of the applicant's federal and state tax return for the previous year. Tax returns submitted in accordance with this provision shall be treated as confidential;
 - (d) A statement from the Department of Revenue that there are no delinquent taxes or other financial obligations owed by the applicant to the state or any of its agencies or departments;
 - (e) A statement from the county treasurer of the county in which the applicant conducts or proposes to conduct horse racing meetings that there are no delinquent real or personal property taxes owed by the applicant.
- (3) The completed application shall be signed by the applicant or the chief executive officer if the applicant is an organization, sworn under oath that the information is true, accurate, and complete, and the application shall be notarized.
 - (4) If there is any change in any information submitted in the application process, the applicant or licensee shall notify the racing commission within thirty (30) days of the change.
 - (5) The racing commission shall as soon as practicable, but in no event later than November 1 in any calendar year, award dates for racing in the Commonwealth during the next year. In awarding dates, the racing commission shall consider and seek to preserve each track's usual and customary dates, as these dates are requested. If dates other than the usual and customary dates are requested, the applicant shall include a statement in its application setting forth the reasons the requested dates are sought. Dates for the conduct of intertrack wagering shall be awarded as provided in KRS 230.377. In the event scheduled racing is canceled by reason of flood, fire, inclement weather, or other natural disaster or emergency, the racing commission may award after November 1 additional racing dates to make up for those dates canceled.
 - (6) The racing commission may issue a license to conduct a horse race meeting to any association making the aforesaid application if the applicant meets the requirements established in KRS 138.530 and other applicable provisions of this chapter, and if the racing commission finds that the proposed conduct of racing by the association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth.
 - (7) As a condition precedent to the issuance of a license, the racing commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including purses and awards to owners of horses participating in races.
 - (8) The racing commission may impose a fee and shall establish, by administrative regulation promulgated in accordance with KRS Chapter 13A, a fee schedule for association license applications.
 - (9) The racing commission may require an applicant for an association license to submit to a background check of the applicant, or of any principal, individual, or

organization associated with the applicant. The racing commission shall not require a background check for any individual who is a principal as defined in KRS 230.210 but owns stock or financial interest in the applicant of less than ten percent (10%). An applicant shall be required to reimburse the racing commission for the cost of any background check conducted.

- (10) Every license issued under this chapter shall specify among other things the name of the person to whom issued, the address and location of the track where the horse race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted; provided, however, that no track that is granted overlapping dates for the conduct of a live race meeting with another horse racing track within a fifty (50) mile radius shall be permitted to have a post time after 5:30 p.m., prevailing time for overlapping days between July 1 and September 15, unless agreed to in writing by the tracks affected.
- (11) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a horse race meeting at any track not specified therein. However, if the track specified becomes unsuitable for racing because of flood, fire, or other catastrophe, the racing commission may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of the track willingly consents to the use thereof.
- (12) Horse racing dates may be awarded and licenses issued authorizing horse racing on any day of the year. Horse racing shall be held or conducted only between sunrise and midnight.
- (13) The racing commission may at any time require the removal of any official or employee of any association in those instances where it has reason to believe that the official or employee has been guilty of any dishonest practice in connection with horse racing or has failed to comply with any condition of his license or has violated any law or any administrative regulation of this racing commission.
- (14) Every horse race not licensed under this section is hereby declared to be a public nuisance and the racing commission may obtain an injunction against the same in the Circuit Court of the county where the unlicensed race is proposed to take place.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 455, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 80, sec. 6, effective June 25, 2009. -- Amended 2005 Ky. Acts ch. 85, sec. 633, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 191, sec. 11, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 237, sec. 5, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 109, sec. 20, effective March 30, 1992. -- Amended 1990 Ky. Acts ch. 159, sec. 4, effective March 30, 1990. -- Amended 1986 Ky. Acts ch. 296, sec. 4, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 240, sec. 5, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 438, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 403, sec. 4. -- Amended 1970 Ky. Acts ch. 156, sec. 5. -- Amended 1968 Ky. Acts ch. 214, sec. 1. -- Created 1960 Ky. Acts ch. 184, sec. 10.