

**230.377 Award of simulcasting and intertrack wagering dates.**

- (1) Other provisions of the Kentucky Revised Statutes notwithstanding, a track may apply to the racing commission for simulcasting and intertrack wagering dates. Applications shall be submitted in accordance with KRS 230.300. The racing commission shall not approve the establishment or relocation of a receiving track within a radius of seventy-five (75) miles of a race track duly licensed as of July 15, 1992, without the prior written consent of the licensed track within whose seventy-five (75) mile radius the new receiving track would be located.
- (2) On or before November 1 of each year, the racing commission shall meet and award intertrack wagering dates to all tracks for the entire succeeding calendar year. In a geographic area containing more than one (1) track within a fifty (50) mile radius of another track, intertrack wagering, except for quarter horse racing, shall be limited to simulcasting and wagering on racing of the same breed of horse as the receiving track was licensed to race on or before July 15, 1998.
- (3) The racing commission shall approve no more than nine (9) tracks for participation in horse racing, intertrack wagering, and simulcasting. Any approval by the racing commission of a change in location of these tracks shall be subject to the local-approval process contained in KRS 230.380.
- (4) A track may by administrative regulation be required to simulcast its races to one (1) or more receiving tracks approved for simulcasting and intertrack wagering, as a prerequisite for the issuance of a license pursuant to KRS 230.300, provided that:
  - (a) Each track shall be permitted to exempt one (1) day of racing from simulcasting to both receiving tracks and simulcast facilities, at its discretion;
  - (b) Tracks in a county containing a city of the first class or a consolidated local government and tracks in an urban-county government shall not be required to simulcast to each other or to any other facility in those counties. This provision shall not be construed as requiring tracks within the same county to simulcast to each other; and
  - (c) In the absence of a contract between a host track and a receiving track, the commission shall be split as provided for in KRS 230.378(3).
- (5) A track may receive simulcasts and conduct interstate wagering thereon subject to the following limitations which shall be in addition to the limitations set forth in KRS 230.3771:
  - (a) A track licensed to conduct thoroughbred racing may receive simulcasts and conduct interstate wagering on all thoroughbred horse races designated as graded stakes races by the Graded Stakes Committee of the Thoroughbred Owners and Breeders Association, Inc., without further consents or approvals.
  - (b) A track licensed to conduct harness racing may receive simulcasts and conduct interstate wagering on all harness horse races (both final and elimination) having a final purse in excess of seventy-five thousand dollars (\$75,000) without further consents or approvals.
  - (c) A track licensed to conduct quarter horse racing may receive simulcasts and conduct interstate wagering on all quarter horse races designated as graded

stakes races by the graded stakes committee of the American Quarter Horse Association, without further consents or approvals.

- (d) A track which applies to the racing commission to receive an interstate race of a different breed than the breed for which it is licensed by the racing commission shall receive any simulcast of an interstate race through the intertrack wagering system upon approval by the racing commission. Notwithstanding the foregoing, a track licensed to conduct horse racing may receive simulcasts and conduct interstate wagering on quarter horse races, subject to the limitations of KRS 230.3771.
- (e) A track may receive simulcasts of special event races conducted in other states or foreign countries which are determined by the racing commission to be of sufficient national or international significance or interest to warrant interstate wagering and if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., the Kentucky Division of the Horseman's Benevolent and Protective Association, for thoroughbred races, and the Kentucky Harness Horsemen's Association for harness racing, and any track conducting live horse races of the same breed at the same time as the simulcast race.
- (f) A track may also receive simulcasts and conduct interstate wagering on thoroughbred horse races other than those described in paragraphs (a) and (e) of this subsection if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., and the Kentucky Horsemen's Benevolent and Protective Association, for thoroughbred races, and the Kentucky Harness Horsemen's Association, or its successor, for harness racing.
- (g) The consent required by paragraph (f) of this subsection or by subsections (1)(g) and (2)(g) of KRS 230.3771 shall not be withheld:
  - 1. For any reason not specifically related to financial harm to live horse racing; or
  - 2. As a condition to the granting of any contractual or other concession not specifically related to the effects of interstate simulcasting on live horse racing in this Commonwealth, taken as a whole.
- (h) A host track located in this state may receive simulcasting of not more than two (2) full cards of racing from another state, if both tracks race horses of the same breed and if:
  - 1. The race date was previously granted by the Kentucky Horse Racing Commission to conduct live racing at the track located in this state;
  - 2. Live racing was canceled due to weather conditions; and
  - 3. The consent required by paragraph (e) of this subsection is obtained.
- (i) The in-state track receiving the simulcast specified in paragraph (h) of this subsection shall offer that simulcast to all participating tracks and simulcast facilities in the intertrack wagering system.

- (j) All interstate simulcasting shall be conducted in accordance with applicable federal laws.
- (6) The racing commission may promulgate necessary and reasonable administrative regulations for the purpose of administering the conduct of intertrack or interstate wagering and regulating the conditions under which wagering shall be held and conducted. Administrative regulations shall provide for the prevention of practices detrimental to the public interest and to impose penalties for violations. All administrative regulations shall be in conformity with the provisions of KRS Chapter 13A, KRS 138.510, and this chapter.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 476, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 191, sec. 32, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 104, sec. 2, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 346, sec. 212, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 245, sec. 1, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 438, sec. 3, effective July 15, 1994; and ch. 453, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 109, sec. 28, effective March 30, 1992. -- Amended 1990 Ky. Acts ch. 159, sec. 7, effective March 30, 1990. -- Created 1988 Ky. Acts ch. 376, sec. 2, effective July 15, 1988.