

ARTICLE 4 – OCCUPATION AND CONCESSIONAIRE LICENSES

112-4-1. Occupation licenses. (a) Before engaging in the following occupations at a racetrack facility, each person shall pay the required fee and secure the appropriate license or licenses from the commission:

- (1) Administration-facility;
- (2) administration-organization;
- (3) administrative support-facility;
- (4) administrative support-organization;
- (5) amateur jockey;
- (6) apprentice jockey;
- (7) assistant trainer-horse/greyhound;
- (8) authorized agent;
- (9) backup greyhound racetrack official;
- (10) backup horse racetrack official;
- (11) blacksmith/plater/farrier;
- (12) breed registry;
- (13) concession employee;
- (14) concession manager/operator;
- (15) driver;
- (16) exercise person;
- (17) greyhound racetrack official;
- (18) groom/hot walker;
- (19) horse racetrack official;
- (20) horseman/kennel representative;
- (21) jockey;
- (22) jockey agent;
- (23) jockey guild representative;
- (24) kennel helper;
- (25) kennel owner;
- (26) kennel owner/trainer;
- (27) medical attendant;
- (28) owner-horse/greyhound;
- (29) owner/assistant trainer-horse/greyhound;
- (30) owner/trainer/driver-horse;
- (31) owner/trainer-horse/greyhound;
- (32) owner by open claim-horse;
- (33) photo finish operator;
- (34) pony person;
- (35) practicing veterinarian;
- (36) practicing veterinary assistant;
- (37) racing department staff;
- (38) racing judge;
- (39) selection sheet operator;
- (40) service provider;
- (41) steward;
- (42) totalisator employee;
- (43) trainee-racing official;
- (44) trainer-horse/greyhound;
- (45) video operator; and
- (46) any other personnel designated by the commission.

(b) Each applicant for an occupation license shall apply in writing on the application form approved and furnished by the commission.

(c) Each applicant for an occupation license acting as an employer required to carry workers compensation insurance pursuant to the workers compensation act of the state of Kansas, K.S.A. 44-501 et seq., and amendments thereto, shall submit proof of this insurance to the commission within 10 working days of the applicant's filing an application for an occupation license.

(d) Each person who is appointed by an owner or trainer to act as an authorized agent shall secure an occupation license. Each owner, trainer, or authorized agent shall file each authorized agent agreement form with the commission. Each authorized agent shall perform for the owner or trainer only the duties that are the subject of the authorized agent agreement form. Each authorized agent shall notify the commission in writing when the authorized agent agreement is terminated.

(e) An applicant for an occupation license shall not knowingly provide false information on any occupation license application form.

(f) An applicant for an occupation license shall not fail to disclose any material fact on any occupation license application form.

(g) No licensee shall alter or attempt to alter any information contained on an occupation license badge.

(h) Each person who loses an occupation license shall immediately perform the following:

(1) Notify the commission office at the racetrack facility;

(2) secure a duplicate license; and

(3) pay the required fee.

(i) An applicant shall pay each required fee when the occupation license is issued. Occupational licenses issued by the commission shall be for one-year or three-year periods.

(1) Each one-year or annual license shall be valid for a period commencing on January 1 and terminating on December 31 of the calendar year for which the license is issued.

(2) Each three-year or triennial license shall be valid for a period commencing on January 1 of the year in which the license is

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issued and terminating on December 31 of the final year.

(j) A computer check of license records from other racing jurisdictions shall be run annually on all licensees by the commission.

(k) Any applicant may be required to submit with the application at least two complete sets of fingerprint cards approved by the commission. If the fingerprints are not acceptable for processing, each applicant shall be required to resubmit fingerprint cards.

(l) Each applicant for an occupation license shall be at least 16 years of age. This provision shall not preclude dependent children under the age of 16 from working for a parent or guardian if the parent or guardian is licensed as a kennel owner, trainer, or assistant trainer and the parent or guardian has obtained approval from the organization licensee. Each licensed trainer or assistant trainer at a horse or greyhound racetrack facility shall be at least 18 years of age. Each racing official, security employee, and mutuel employee shall be at least 18 years of age.

(m) Each employer at a racetrack facility shall ensure that each employee is properly licensed and shall immediately notify the commission office at the racetrack facility and the organization licensee when a licensee's employment status changes or when an employee is terminated. Each employer shall make an effort to secure the employee's occupation license and, if the license is secured, shall deliver the license to the commission office at the racetrack facility. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8804 and 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-12-30-91, Dec. 30, 1991; amended Feb. 24, 1992; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended, T-112-7-22-93, July 22, 1993; amended Oct. 25, 1993; amended April 3, 1995; amended March 8, 1996; amended July 25, 1997; amended May 1, 1998; amended Aug. 25, 2000; amended June 1, 2001; amended Dec. 19, 2003.)

112-4-1a. Concessionaire licenses. (a) No organization licensee or facility manager

licensee shall permit any entity not owned and operated by that licensee to sell goods or services within a racetrack facility where that licensee conducts race meetings unless the entity has been issued a concessionaire license by the commission pursuant to K.S.A. 74-8817 and amendments thereto.

(b) Before providing or selling any of the following goods or services within a racetrack facility, each person shall pay the required fee and secure the appropriate license or licenses from the commission:

- (1) Hay;
- (2) feed;
- (3) tack;
- (4) sawdust;
- (5) bedding;
- (6) horse walkers;
- (7) massage therapy;
- (8) horseshoes;
- (9) veterinarian services;
- (10) physical examinations by a physician;
- (11) win photos;
- (12) videos;
- (13) tip sheets;
- (14) food;
- (15) beverage machines and snack or cigarette machines;
- (16) amusement and entertainment devices or machines; or
- (17) any other goods or services.

(c) Each applicant shall apply for the license in the following category that best fits the services or goods that the applicant is providing:

(1) Each applicant who proposes to have an annual on-track sales revenue for goods or services totalling \$100,000 or more at a non-county fair race meet shall apply for a class 1 concessionaire license.

(2) Each applicant who proposes to have an annual on-track sales revenue for goods or services totalling less than \$100,000 at a non-county fair race meet shall apply for a class 2 concessionaire license.

(3) Each applicant who proposes to sell goods or services at a county fair association race meeting that is held for a total of not more than 21 race days per calendar year shall apply for a class 3 concessionaire license.

(4) Each applicant who proposes to provide any coin-operated device that

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dispenses goods, entertainment, or amusement shall apply for a class 4 concessionaire license.

(5) Each applicant who proposes to provide any professional service or service requiring special training shall apply for a class 5 concessionaire license. This license category shall include physicians, veterinarians, masseuses, and farriers.

(6) Each applicant who proposes to sell goods or services for an event that lasts three days or less shall apply for a class 6 concessionaire license.

(d)(1) A class 7 concessionaire license may be issued only to the Kansas lottery for the purpose of providing lottery products for retail sale at a racetrack.

(2) On behalf of the Kansas lottery, the executive director of the Kansas lottery shall be eligible to apply for a class 7 concessionaire license after legally executing a contract with the facility manager licensee or the organization licensee at the racetrack facility at which the Kansas lottery wants to provide lottery products for retail sale. To apply for a license, the executive director of the Kansas lottery, on behalf of that agency, shall submit a completed application on a commission-provided form and a copy of the legally executed contract to the commission. No application fee or license fee shall be required.

(3) If a class 7 concessionaire license is granted by the commission, each employee or contracted agent of the Kansas lottery who has had a background investigation substantially equivalent to that of employees of the commission shall have access to that racetrack facility only for the purposes of providing lottery products and installing, maintaining, removing, and repairing lottery equipment, upon showing proper identification.

(e) The organization licensee or facility manager licensee shall notify the commission of all entities providing goods and services to third parties at the racetrack facility and shall be subject to the penalties provided in K.A.R. 112-3-17 for failure to notify the commission.

(f) Each applicant shall complete a concessionaire license application form furnished by the commission, which shall include the following:

(1) The applicant's name, address, and telephone number;

(2) Kansas tax identification number;

(3) federal tax identification number;

(4) the name of each individual employed by the applicant and working at the racetrack facility;

(5) proof of workers compensation if liable under the workers compensation act in Kansas; and

(6) the name, address, and telephone number of each partner, owner, officer, director, board member, policy-making manager, and any other person or entity having control or a voting interest in the business of the applicant, and the percentage of voting interest for each person or entity.

(g) Each applicant may be required to provide, on a quarterly basis, a financial report of on-track sales revenue.

(h) The applicant shall not knowingly provide false information on any concessionaire application or fail to disclose any material fact on the concessionaire application form.

(i) Each applicant shall obtain and provide, with the application, written authorization from the organization licensee or facility manager licensee to sell goods or services at the racetrack facility.

(j) Each owner, officer, board member, or other entity with a voting interest or ownership of three percent or more may be required to submit to a background investigation to be conducted by either of the following:

(1) The commission's director of security or the director's designee; or

(2) the Kansas bureau of investigation.

(k) Each applicant for a concessionaire license shall pay the appropriate application and license fees as designated by the commission.

(l) Each applicant shall pay any additional fees for background and fingerprint processing, as needed to pay the actual, reasonable expenses of processing the application and investigating the applicant's qualifications for licensure.

(m) Each applicant for a concessionaire license may be required to provide copies of income tax returns for each of the five years immediately preceding the application or all tax returns if the applicant has been organized for fewer than five years.

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(n) The applicant shall not sell goods or services at the racetrack facility before being licensed by the commission.

(o) Each licensee or applicant for a license shall report immediately and in writing any change in license or application information to the commission.

(p) A licensed concessionaire may be permitted to sell veterinary prescription drugs or medications if the individual meets the following criteria:

(1) Is registered pursuant to K.S.A. 65-1601 et seq., and amendments thereto;

(2) has a valid written prescription from a licensed veterinarian for each prescription drug or medication; and

(3) maintains a copy of each written prescription for inspection purposes.

(q) Before the expiration of a concessionaire license, the concessionaire licensee may apply to the commission for renewal of this license on a form furnished by the commission. The renewal shall be granted by the commission if the licensee meets all of the qualifications required for an initial license. A fee may be charged by the commission for processing the renewal application. This fee shall not exceed the application fee authorized for an initial license. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8817; effective March 14, 2003; amended Jan. 6, 2006.)

112-4-1b. Racing or wagering equipment or services.

(a) No organization licensee or facility manager licensee shall permit any business not owned and operated by that licensee to provide integral racing or wagering equipment or services, as designated in subsection (b), to that licensee unless the business has been issued a racing or wagering equipment or services license by the commission pursuant to K.S.A. 74-8837 and amendments thereto.

(b) “Integral racing and wagering equipment and services” shall mean those services and equipment that are provided on-site at the racetrack facility. This term shall include the following:

- (1) Tote services;
- (2) tote boards;
- (3) photo finish;

(4) video replay;

(5) video reception;

(6) transmission services and equipment;

(7) starting gate; and

(8) lure.

(c) Before providing integral racing or wagering equipment or services at a racetrack facility, each individual or entity shall pay the required fee and secure the appropriate license or licenses from the commission.

(d) The organization licensee and facility manager licensee shall notify the commission of all racing or wagering equipment or services being provided at the racetrack facility pursuant to K.A.R. 112-3-17.

(e) Each applicant shall complete a racing or wagering equipment or services application form furnished by the commission, which shall include the following:

(1) The applicant’s name, address, and telephone number;

(2) the names of all individuals employed by the applicant and working at the racetrack facility;

(3) proof of workers compensation if liable under the workers compensation act in Kansas; and

(4) the name, address, and telephone number of each partner, owner, officer, director, board member, policy-making manager, and any other person or entity having control or a voting interest in the business of the applicant, and the percentage of voting interest for each person or entity.

(f) The applicant shall not knowingly provide false information on any racing and wagering equipment or services application or fail to disclose any material fact on the racing and wagering equipment or services application.

(g) Each applicant shall provide a copy of the contract entered into with the facility manager licensee or organization licensee, or both.

(h) Each partner, owner, officer, director, board member, policy-making manager, or other entity with a voting interest or ownership of three percent or more may be required to submit to a background investigation to be conducted by either of the following:

(1) The commission’s director of security or the director’s designee; or

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(2) the Kansas bureau of investigation.

(i) Each applicant for a racing or wagering equipment or services license shall pay the appropriate application and license fees as designated by the commission.

(j) Each applicant shall pay any additional fees for background and fingerprint processing, as required to pay the actual, reasonable expenses of processing the application and investigating the applicant's qualifications for licensure.

(k) Each applicant for a racing or wagering equipment or services license may be required to provide copies of income tax returns for each of the five years immediately preceding the application or all tax returns if the applicant has been organized for fewer than five years.

(l) Each licensee or applicant for a license shall report immediately and in writing any change in license or application information to the commission.

(m) Before the expiration of a racing or wagering equipment or services license, the licensee may apply to the commission for renewal of this license on a form furnished by the commission. The renewal shall be granted by the commission if the licensee meets all of the qualifications required for an initial license. A fee may be charged by the commission for processing the renewal applications. This fee shall not exceed the application fee authorized for an initial license. (Authorized by K.S.A. 2001 Supp. 74-8804; implementing K.S.A. 2001 Supp. 74-8837; effective March 14, 2003.)

112-4-2. Inspection of license. Each commissioner or representative of the commission, and each organization, facility manager or facility owner licensee is hereby designated by the commission as an agent of the commission for purposes of inspecting the license of any person located in a restricted area at a racetrack facility. Each commissioner or representative of the commission, and each organization, facility manager or facility owner licensee is hereby designated by the commission as an agent of the commission for purposes of inspecting the documents relating

to any horse or greyhound at the racetrack facility. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by L. 1988, Ch. 315, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-4-3. Knowledge of the law and regulations. Each licensee, to maintain qualifications for any license held, shall know the provisions of the Kansas parimutuel racing act, the requirements of these racing regulations, and each amendment to the law and regulations relating to the licensee's occupation license. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989.)

112-4-4. Certain prohibited licenses. (a) The stewards or racing judges, with the approval of the commission, may prohibit an applicant from holding an occupation license when, in the opinion of the stewards or racing judges, a conflict of interest is created that reflects adversely on the honesty and integrity of racing.

(b) No commission-licensed veterinarian, racing official, or photo finish operator shall be licensed as an owner.

(c) No commission-licensed jockey, assistant starter, jockey room attendant or valet shall be licensed as a horse owner.

(d) No commission-licensed lead out or patrol judge shall be licensed as a greyhound owner.

(e) No person shall be licensed in any capacity that may constitute a licensing conflict. The fact that persons are married shall not, in and of itself, constitute a licensing conflict. If the stewards or racing judges are concerned that a conflict of interest may exist, they shall conduct a hearing concerning the potential conflict. They shall draft findings of fact and issue a licensing recommendation to the commission concerning the potential

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conflict. (Authorized by K.S.A. 1990 Supp. 74-8804(p); implementing K.S.A. 1990 Supp. 74-8804(p), K.S.A. 1990 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-12-30-91, Dec. 30, 1991; amended March 23, 1992.)

112-4-4a. Crossover employment prohibited, exceptions. (a) For purposes of these regulations, "crossover employment" shall mean a situation in which an occupation licensee is concurrently employed at the same racing facility by an organization licensee and a facility owner licensee or facility manager licensee.

(b) Occupation licensees employed by organization licensees, facility owner licensees or facility manager licensees shall not engage in crossover employment except that:

(1) An employee of an organization licensee, facility owner licensee or facility manager licensee may crossover between internal departments of the same licensee upon the advance written approval of the stewards or racing judges and a finding that such crossover does not create a conflict of interest or violation of K.A.R. 112-4-4; and

(2) an employee of an organization licensee, facility owner licensee or facility manager licensee may crossover between licensees upon the advance written approval of the stewards or racing judges and a finding that such crossover does not create a conflict of interest or violation of K.A.R. 112-4-4.

(c) In no event shall employee crossover be approved in any of the following cases:

(1) between employees of the racing department and employees of the mutuels department;

(2) between employees of the racing or mutuels departments and horse or greyhound owners, trainers, operators or employees thereof;

(3) between employees of the security department and horse or greyhound owners, trainers, operators or employees thereof; or

(4) in any capacity or combination of subsections (1), (2) and (3) above that may, in the opinion of the stewards or racing judges, constitute a licensing conflict as provided in K.A.R. 112-4-4. (Authorized by K.S.A. 1994 Supp. 74-8804; implementing K.S.A. 1994 Supp. 74-8810, K.S.A. 1994 Supp. 74-8813, K.S.A. 74-8815 and 74-8816; effective March 1, 1996.)

112-4-4b. Prohibited license activity. (a) The racing judges or stewards, with the approval of the commission, may prohibit an occupation licensee from performing activities not related to the licensee's occupation license when, in the opinion of the racing judges or stewards, such activity reflects adversely on the honesty and integrity of racing.

(b) No occupation licensee licensed as a kennel owner shall act in the capacity of trainer unless properly licensed to do so. (Authorized by K.S.A. 1995 Supp. 74-8804; implementing K.S.A. 1995 Supp. 74-8810 and K.S.A. 74-8816; effective Nov. 22, 1996.)

112-4-5. License identification requirements. (a) Each license applicant shall provide identifying personal information including the following:

- (1) Full name;
- (2) permanent address, including zip code;
- (3) type of license;
- (4) date of application; and
- (5) date of birth.

(b) Each license shall be color-coded to identify the occupation and the individual's eligibility to enter restricted areas. While present in restricted areas of the racetrack facility, each license holder, except jockeys riding in a race and other licensees approved by the stewards or racing judges, shall attach the current license to an outer garment in a prominent position. (Authorized by K.S.A. 1991 Supp. 74-8804(p), as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989;

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effective, April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-6. License subject to conditions and agreements. (a) Each license issued to a licensee by the commission shall remain the property of the commission.

(b) Possession of a license shall not confer any right upon the holder to employment at a racetrack facility.

(c) Each licensee shall immediately return the occupation license to the commission office at the racetrack facility when the employment requiring a commission license is terminated. (Authorized by K.S.A. 1991 Supp. 74-8804(p), as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-7. Changes in application information. Each licensee or applicant for a license shall report immediately and in writing any change in license or application information to the commission. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by L. 1988, Ch. 315, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-4-8. Examinations. (a) Any applicant for an occupation license may be required to demonstrate knowledge, qualifications and proficiency related to the license for which application is made through an examination approved by the commission or its designee.

(b) Unless otherwise authorized by the stewards or racing judges, any unsuccessful license examination applicant may be retested at 30 days following the first failure and six

months following the second failure. Applicants failing the examination on the third attempt shall be ineligible for licensure for that license during that calendar year. (Authorized by K.S.A. 1991 Supp. 74-8804(p), as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-9. Financial responsibility of applicants. Upon request of the commission, each applicant for a license as a horse or greyhound owner or trainer shall submit satisfactory evidence of financial ability to care for and maintain the racing animals owned or trained, or both, by the owner or trainer. (Authorized by K.S.A. 1987 Supp. 74-8804, as amended by L. 1988, Ch. 315, Sec. 3; implementing K.S.A. 1987 Supp. 74-8816, as amended by L. 1988, Ch. 316, Sec. 4; effective, T-112-1-19-89, Jan. 19, 1989, effective April 10, 1989.)

112-4-9a. Financial responsibility of licensee. Each commission licensee who purchases food, shelter, medications, transportation, veterinary services, supplies, or any other item or service, for use in the licensee's racing operation and who fails to pay for the services or goods or writes a worthless check at a licensed racing facility shall be guilty of conduct detrimental to the best interests of racing and may be subject to license suspension or revocation. The burden to prove that debts are owed shall be on the person bringing the charges. This regulation shall not obligate the commission to collect debts owed by licensees. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8816 and 74-8825; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92,

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Dec. 10, 1992; effective Feb. 15, 1993; amended Jan. 18, 2008.)

112-4-10. Physical examination. As a condition of licensure, each person who is mounted on a race horse or driving a race horse within the enclosure or riding in a race shall submit proof of a satisfactory physical examination given by a licensed physician within the previous 12 months. As required in K.A.R. 112-7-20 and K.A.R. 112-14-10, the physical examination shall include visual acuity and hearing examinations. A reexamination of any jockey or driver may be required by the commission or the stewards at any time. Any jockey or driver may be prohibited from riding or driving by the commission or the stewards until the jockey or driver has successfully passed each examination. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989.)

112-4-11. Qualifications for jockey. (a) Each person granted a jockey occupation license shall:

- (1) Be at least 16 years old; and
- (2) weigh no more than 130 pounds.

(b) In thoroughbred races, each applicant for a jockey license shall have completed the requirements for apprentice jockey. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989.)

112-4-12. Qualifications for apprentice jockey. (a) Any person who has ridden fewer than 40 winners or who has ridden for less than three years since first being licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a jockey, may

qualify as an apprentice jockey if the applicant completes satisfactory rides in at least two races under the observation of the stewards. Any apprentice jockey may be granted an apprentice certificate issued by the stewards and filed with the commission in replacement of a traditional apprentice contract.

(b) Each contract and transfer of contract shall be approved by the stewards and filed with the commission. Each contract employer shall not have any interest in the earnings of an apprentice jockey. Racetrack or commission officials and their licensed assistants and employees shall not directly or indirectly buy or sell any contract upon any jockey or apprentice jockey for themselves or any other person.

(c) In thoroughbred races, each apprentice jockey shall ride with a five-pound weight allowance beginning with the apprentice jockey's first mount. Each apprentice jockey's five-pound weight allowance shall:

(1) Continue for a one-year period beginning on the date of the apprentice jockey's fifth winning mount;

(2) continue for a second one-year period beginning on the date the initial one-year period expires if the apprentice jockey has not accumulated a total of 40 winning mounts from the date of the apprentice jockey's first winning mount; and

(3) then terminate:

(A) Upon the expiration of the second one-year period; or

(B) during the second one-year period when the apprentice jockey accumulates a total of 40 winning mounts from the date of the apprentice jockey's first winning mount, whichever first occurs.

(d) Only the results from thoroughbred races at authorized race meetings in the United States, Canada or Mexico that are reported in the daily racing form or other recognized racing publications approved by the commission shall be considered in

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determining license eligibility for apprentice jockeys.

(e) If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the apprentice jockey's fifth winning mount because of service in the armed forces of the United States or because of physical disability, the time during which the apprentice weight allowance may be claimed may be extended by the commission for a period not to exceed the period the apprentice jockey was unable to ride. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-13. (Authorized by K.S.A. 1987 Supp. 74-8804, as amended by L. 1988, Ch. 315, Sec. 3; implementing K.S.A. 1987 Supp. 74-8816, as amended by L. 1988, Ch. 316, Sec. 4; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; revoked, T-112-8-13-92, Aug. 13, 1992; revoked, T-112-12-10-92, Dec. 10, 1992; revoked Feb. 15, 1993.)

112-4-14. Program trainer. (a) Each regular trainer prevented from performing the trainer's duties, including responsibility for the condition of the horses in the trainer's care, by illness or other cause, or who is absent from any competition where horses under the trainer's care are entered and stabled, shall immediately notify the chief steward. At the same time, the trainer shall appoint a substitute trainer. Each substitute trainer's name shall be placed on the entry blank. After the appointment, each substitute trainer shall be equally responsible with the regular trainer for the condition of the horses in the substitute trainer's care. (Authorized by K.S.A. 1987 Supp. 74-8804, as amended by L. 1988, Ch. 315, Sec. 3; implementing K.S.A. 1987 Supp.

74-8816, as amended by L. 1988, Ch. 316, Sec. 4; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-4-14a. Trainer responsibility. (a) Each trainer of record shall be responsible for the following regarding each horse in that trainer's care, with regard to commission orders, regulations, and statutes:

- (1) Eligibility;
- (2) weight or other allowances claimed;
- (3) physical fitness to perform credibly at the distance entered;
- (4) absence of prohibited substances;
- (5) proper shoeing, bandaging, and equipment;
- (6) timely arrival in the paddock; and
- (7) proper handling of the horse in the test barn.

(b) Each trainer shall be responsible for each positive test revealing any substance foreign to a horse in that trainer's care, unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of the administration of the substance causing the positive test.

(c) Each trainer shall be responsible for each puncture mark on a horse in that trainer's care, unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of an injection.

(d) Each trainer shall be responsible for the arrival of the horses in that trainer's care to the racetrack facility at least one hour before the first post time of the day on which the horse is entered to race. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; amended Jan. 18, 2008.)

112-4-14b. Trainer responsibility. (a) Each trainer of record shall be responsible for greyhounds in the trainer's care as to:

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- (1) Eligibility;
 - (2) weight;
 - (3) physical fitness;
 - (4) absence of prohibited substances;
 - (5) proper equipment; and
 - (6) timely arrival in the paddock.
- (b) Each trainer shall be held responsible for each positive test revealing any substance foreign to a greyhound in the trainer's care

unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of the administration of the substance causing the positive test.

(c) Each trainer shall be held responsible for each puncture mark on a greyhound in the trainer's care unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of any injection. (Authorized by K.S.A. 1995 Supp. 74-8804; implementing K.S.A. 74-8816; effective March 25, 1991; amended Sept. 20, 1996.)

112-4-15. Suspended trainer engaged in the training of race horses under the parimutuel racing program of the state of Kansas. (a) Each spouse, parent, grandparent, brother, sister, child, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law of a trainer engaged in the training of race horses under the parimutuel racing program of the state of Kansas, suspended by the commission or otherwise shall not assume any of the trainer's responsibilities, acts or duties during the term of the suspended trainer's suspension.

(b) Each individual assuming the responsibility for the care, custody or control of the horses of a suspended trainer shall not be paid a salary directly or indirectly by the suspended trainer during the term of the suspended trainer's suspension.

(c) Each trainer assuming the responsibility for the care, custody or control of the horses of a suspended trainer, during the period of the suspended trainer's suspension, shall:

(1) Not use the farm or individual name of the suspended trainer to bill customers;

(2) bill customers directly on the trainer's own bill forms for any services rendered;

(3) maintain a separate account from the suspended trainer for deposits and payment of expenses, including wages of employees;

(4) maintain records of withholding of taxes and deductions from employee pay checks;

(5) maintain records of invoices for all expenses paid during the term of the suspension;

(6) have a written lease, approved by the commission, for the use of any equipment of the suspended trainer;

(7) make no payments of any kind to the suspended trainer, the suspended trainer's family as listed in subsection (a) of this regulation or any entity owned or controlled by the above parties, or to any other person for transfer of right to race, coach or train any of the suspended trainer's horses;

(8) not borrow funds from a suspended trainer or the suspended trainer's family as listed in subsection (a) of this regulation or any entity owned or controlled by the above parties for the purpose of going into the business of training; and

(9) not allow a suspended trainer, the suspended trainer's family as listed in subsection (a) of this regulation, or any entity owned or controlled by the above parties to sign any notes or loans for the trainer for the purpose of going into the business of training.

(d) Any suspended trainer and any trainer taking over the horses of a suspended trainer may be requested to deliver books, canceled checks, invoices, tax returns and other evidence to the commission to prove the

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details of any relationship between trainers and suspended trainers.

(e) Each suspended trainer found to have engaged in the responsibilities, acts or duties of a trainer during the term of the suspended trainer's suspension shall be subject to a second suspension, or fine, or both, which shall be consecutive to and in addition to the first term of suspension or fine or both. (Authorized by K.S.A. 1988 Supp. 74-8804, 74-8816; implementing K.S.A. 1988 Supp. 74-8816; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-4-16. Qualifications for license as a horse owner. (a) Each applicant for a horse owner license shall:

(1) Own a record of a properly registered race horse that the horse owner licensee applicant intends to race in Kansas;

(2) have the race horse in the care of a licensed trainer; and

(3) have an interest in the race horse as part owner or lessee or managing owner of a corporation, syndicate or partnership that is the legal owner of the race horse; or

(4) intend to claim a horse by open claim as authorized by K.A.R. 112-7-15. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-17. Horse ownership by lease. Any leased horse may be raced if a completed lease form that includes the information required by the commission is attached to the registration certificate and is on file with the racing secretary. Each lessor and lessee shall be licensed as a horse owner. Each lease arrangement shall not be made for the purpose of avoiding insurance requirements or commission regulations. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L.

1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-18. Greyhound ownership by lease.

Any leased greyhound may be raced if a completed lease form that includes the information required by the commission is attached to the registration certificate and is on file with the director of racing. Each lessor and lessee shall be licensed as a greyhound owner. No lease arrangement shall be made for the purpose of avoiding insurance requirements or commission regulations. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-19. Horse or greyhound ownership by corporation, partnership, syndicate or other association or entity.

(a) If the legal owner of any horse or greyhound is a corporation, partnership, syndicate or other association or entity, each shareholder or partner shall be licensed as a horse or greyhound owner unless the stewards, racing judges or the commission determine upon a showing of just cause that the best interests of racing dictate that not all shareholders or partners should be licensed.

(b) Each corporation, partnership, syndicate, or other association or entity that owns a horse or greyhound at a racetrack facility shall file the following information with the commission:

(1) Organizational documents for the entity identifying each shareholder by name and mailing address including zip code;

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(2) relative proportion of ownership interest;

(3) terms of sale with contingencies, arrangements or leases;

(4) documents declaring to whom winnings are payable and under what name the horse or greyhound shall be run; and

(5) the name and address including zip code of each licensed person or persons who assumes all responsibilities as owner of the horse or greyhound.

(c) No part owner of any horse or greyhound shall assign an ownership interest without the written consent of the other partners. The assignor shall file each written consent with the commission.

(d) Each corporation, partnership, syndicate or other association or entity that owns a horse or greyhound shall register annually the information required by the regulations and pay the required fee or fees for the appropriate entity. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8816, as amended by L. 1992, Ch. 286, Sec. 8; effective, T-112-1-19-89, Jan. 19, 1989; effective, April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 2, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-4-20. Stable name registration. (a) Each person who proposes to use a stable name shall annually register the stable name with the commission and shall pay the required fee. Each horse owned in whole or in part by the same person shall be run under the stable name.

(b) Each applicant shall disclose the identity or identities of each person using the stable name.

(c) Each change in stable name shall be reported immediately to the commission and approval obtained from the commission before the name is used.

(d) The commission shall be provided written notice of each cancellation of a stable name.

(e) Any person may change a stable name by registering a new stable name and by paying the required fee.

(f) Each stable name shall be clearly distinguishable from that of another registered stable name.

(g) Each stable name and the name of the owner or managing owner shall be published in the official racing program. If the stable name includes more than one person, the official program shall list the name of the managing owner along with the phrase "et al."

(h) If a partnership, corporation, syndicate or other association or entity proposes to use a stable name, it shall comply with commission regulations governing multiple ownership including any payment of fees in addition to fees for the registration of a stable name. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989.)

112-4-21. Kennel name registration. (a) Each person who proposes to use a kennel name shall register the kennel name with the commission.

(b) The applicant shall disclose the identity or identities of every person using the kennel name.

(c) As long as a kennel name is registered, no individual using that kennel name shall register or use any other name or kennel name for racing purposes.

(d) A kennel name may be changed by registering a new kennel name.

(e) No person shall register a kennel name that has been previously registered with any organization licensee.

(f) Each kennel name shall be clearly distinguishable from all other registered kennel names.

(g) If a partnership, corporation, syndicate or other association or entity proposes to use a kennel name, it shall comply with commission regulations governing multiple ownership, including any payment of fees. (Authorized by K.S.A. 1989 Supp. 74-8804;

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implementing K.S.A. 1989 Supp. 74-8816; effective March 25, 1991.)

112-4-21a. Kennel owner license. (a) Each applicant for a kennel owner license shall:

(1) be the owner or partial owner of a kennel registered pursuant to K.A.R. 112-4-21; and

(2) have a current kennel contract with an organization licensee. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-4-22. Licensing required. (a) Each person shall complete all license procedures required by the commission before that person assumes any duties at a racetrack facility except as follows.

(b)(1) Any trainer or assistant trainer may apply for a 30-day license on behalf of an absentee horse owner and pay the required application fees. Each horse owned by an absentee horse owner shall be permitted only one start during the 30-day period. Each absentee horse owner shall complete the licensing procedure before the 30-day license expires. No organization licensee shall pay purse money to the absentee horse owner until the owner secures a permanent horse owner's license.

(2) If the permanent horse owner's license is not secured within 30 days, the trainer, assistant trainer, or absentee owner may be penalized by the commission. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended May 1, 1998.)

112-4-22a. Registrations required. (a) Any corporation, partnership, syndicate, stable, or other association or entity owning a horse shall register the entity with the commission before racing in a parimutuel race except as follows.

(b)(1) Any trainer or assistant trainer may apply for a 30-day temporary registration on behalf of the absentee legal owner owning a horse at a racetrack facility and pay the required fees. Each horse owned by an entity with a temporary registration shall be permitted only one start during the 30-day period. The managing owner of the entity with this temporary registration shall complete the registration procedure before the 30-day registration expires. No organization licensee shall pay purse money to any such registered entity or managing owner until a permanent registration is secured.

(2) If the permanent registration is not secured within 30 days, the trainer, assistant trainer, or persons having an interest in the entity with the temporary registration may be penalized by the commission. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8816; effective May 1, 1998.)

112-4-23. Conduct. No person shall perform any of the following: (a) engage in any conduct that by its nature is unsportsmanlike or detrimental to the best interests of racing;

(b) willfully ignore, refuse to comply, or interfere with verbal or written orders of a racing official or commission employee or representative in the performance of official duties; or

(c) threaten or use abusive or profane language when addressing a racing official, licensee, or commission employee or representative. (Authorized by and implementing K.S.A. 1997 Supp. 74-8804 and 74-8816; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993; amended May 15, 1998.)

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112-4-24. Qualifications for amateur jockey.

Each person granted an amateur jockey occupation license shall:

- (a) be at least 16 years old;
- (b) meet all qualification rules for membership to the amateur riders' club of the Americas (ARCAS) as currently contained in the membership application form amended in December 1992;
- (c) hold a current amateur riders' license from ARCAS and be a current member of ARCAS;
- (d) weigh no more than 142 pounds;
- (e) not hold a current license as a jockey or apprentice jockey;
- (f) submit proof of a satisfactory physical examination given by a person licensed to practice medicine and surgery within the previous 12 months. As required by K.A.R. 112-7-20 and K.A.R. 112-14-10, the physical examination shall include visual acuity and hearing examinations. A reexamination of any amateur jockey may be required by the commission or the stewards at any time. An amateur jockey may be prohibited from riding by the commission or the stewards until the jockey has successfully passed each examination;
- (g) wear properly fastened safety helmets while mounted on a race horse within the enclosure or riding in a race; and
- (h) meet all licensing requirements stated in these racing regulations. (Authorized by K.S.A. 1992 Supp. 74-8804; implementing K.S.A. 1992 Supp. 74-8816; effective, T-112-7-22-93, July 22, 1993; effective, Oct. 25, 1993.)

112-4-25. Qualifications for license as a greyhound owner. Each applicant for a greyhound owner license shall:

- (1) possess a record of a properly registered greyhound, eligible to race, that the applicant intends to race in Kansas;
- (2) have the greyhound in the care of a licensed trainer; and
- (3) have an interest in the greyhound as owner, part owner or lessee, or managing owner of a corporation, syndicate or

partnership that is the legal owner of the greyhound. (Authorized by K.S.A. 1993 Supp. 74-8804 and implementing K.S.A. 74-8816; effective Sept. 6, 1994.)

112-4-26. Denial of an occupation license.

(a) Except as provided in K.A.R. 112-16-1, *et seq.*, all proceedings relating to the denial, suspension, or revocation of an occupation license shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501 *et seq.*

(b) As used in K.S.A. 74-8816(e)(3) the phrase “qualified to perform the duties associated with the license being applied for” shall in the case of all occupation license applicants include the requirement that such applicant shall have no present or prior activities, criminal record, or reputation, habits, or associations that meet either of these conditions:

- (1) pose a threat to the public interest or to the effective regulation of parimutuel racing or wagering; or
- (2) create or enhance the dangers of unsuitable, unfair, or illegal practices in the conduct of parimutuel racing or wagering. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8816; effective July 25, 1997.)