
RACE DAY PROCEDURES

Section 15. Advertising.

- (1) A jockey shall not wear advertising or promotional material of any kind (whether for a nonprofit or for-profit entity) on clothing within one (1) hour before or after a race, unless:
 - (a) 1. The material advertises or promotes the Jockey's Guild in the form of the picture of a jockey's boot or the picture of a wheelchair, with no additional picture or logo;
 2. The material advertises or promotes the Permanently Disabled Jockey's Fund in the form of the pictures of its logo, with no additional picture or logo; or
 3. The picture or logo has previously been approved by the current owner, association, and the stewards under the process set forth in this administrative regulation, and this approval is reflected in the commission's official records;
 - (b) The material complies with the size restrictions of subsection (2)(b) of this section;
 - (c) The material meets the advertising standards listed in subsection (2) of this section;
 - (d) Written approval by the following is submitted to the commission:
 1. The managing owner of the horse, or authorized agent of the managing owner who acts with actual authority and has been specifically authorized in writing to sign the written approval on behalf of the managing owner. Written authorization shall be evidenced by completion and return to the commission of the "Authorized Agent License Application" form. If the owner is a business entity, in lieu of filing the "Authorized Agent License Application" form, the owner may file duly adopted resolutions of the business entity authorizing the agent to act on its behalf and remit the twenty-five (25) dollar license application fee;
 2. The jockey riding the horse or the authorized agent of the jockey who acts with actual authority and has been specifically authorized in writing to sign the written approval on behalf of the jockey. Written authorization shall be evidenced by completion and return to the commission of the "Authorized Agent License Application" form;
 3. The licensed racing association, which shall grant approval if it reasonably determines the material meets the standards in subsection (2)(a) of this section; and
 4. The stewards, who shall grant approval if they reasonably determine the material meets the standards in subsections (2)(b) and (3) of this section; and
 - (e) Written approval required pursuant to subsection (1)(d) of this section is evidenced by completion and return to the commission of the "Request to Wear Advertising and Promotional Materials" form. The form shall be completed and submitted to the stewards not later than 5 pm two (2) days prior to the day of the race in which the advertising and promotional materials will be worn. Other forms of approval shall not be accepted by the commission.
- (2) Advertising or promotional material displayed on jockey clothing shall:
 - (a) Not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association race or to the race meet in progress; and
 - (b) Comply with the following size restrictions:

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1. A maximum of thirty-two (32) square inches on each thigh of the pants on the outer side between the hip and knee and ten (10) square inches on the rear of the pant at the waistline at the base of the spine;
 2. A maximum of twenty-four (24) square inches on boots and leggings on the outside of each nearest the top of the boot; and
 3. A maximum of six (6) square inches on the front center of the neck area (on a turtleneck or other undergarment).
- (3) A sponsorship shall not be permitted by a person or entity whose message, business reputation, or ongoing business activity may be considered as obscene or indecent to a reasonable person.
 - (4) (a) The party presenting the advertising or promotional opportunity to the owner and jockey (including without limitation, the owner and jockey) shall disclose in writing all material terms, including financial, regarding the advertising or promotional opportunity to the owner and the jockey;
(b) The division of proceeds from any advertising or promotional material placed in accordance with this administrative regulation shall be subject to agreement between the owner and the jockey;
(c) The agreement between the owner and jockey shall be made in writing on the "Owner/Jockey Advertising and Promotional Materials Agreement" not later than 5 pm two (2) days prior to the day of the race in which the advertising and promotional materials will be worn;
(d) Other forms of agreement or contract shall not be used; and
(e) Any party who fails to comply with this or any other provision provided in this administrative regulation may be subject to penalties by the commission in accordance with KRS Chapter 230 and 810 KAR Chapter 1.
 - (5) As a condition for approval of advertising or promotional material, either the owners, the stewards, or the licensed racing association may require a personal viewing of the proposed material as it is to be displayed, to determine that the requirements of this section are met.
 - (6) The sponsor of a licensed racing association race or race meeting may display advertising or promotional material on an association saddlecloth if it does not interfere with the clear visibility of the number of the horse.
 - (7) Advertising content other than that approved in this administrative regulation shall not be permitted.
 - (8) This administrative regulation shall not infringe upon or limit the common law rights of a racing association to eject or exclude persons, licensed or unlicensed, from association grounds, or to apply the association's internal rules regarding other forms of advertising not addressed in this or any other applicable statute or administrative regulation, if the internal rules have been previously filed with and approved by the commission or its authorized representative.

FORMS

OWNER/JOCKEY ADVERTISING AND PROMOTIONAL MATERIALS AGREEMENT

This Agreement ("Agreement") between _____ (the "Owner") and _____ (the "Jockey") (collectively the "Parties"), is based upon the understanding that the Jockey will display advertising or promotional materials provided by _____ (the "Sponsor") while riding the horse _____ (the "Horse") in the _____ (the "Race") at _____ Churchill Downs on November 2 or 3, 2018.

I. The Parties agree that each of them shall notify the other in writing within a time sufficient to obtain regulatory approval pursuant to 810 KAR 1:009, Section 15 of all terms of the advertising or promotional opportunity and the content proposed to be displayed in the Race.

II. The Parties agree that the Jockey shall not display any advertising or promotional material on his/her apparel one (1) hour before or after the Race except that which is specifically agreed to by the Owner and the Jockey as evidenced by completion and filing with the Commission the "Request to Wear Advertising and Promotional Materials" form.

III. The Parties agree that any revenues received in exchange for wearing advertising or promotional materials shall be divided as follows:

Owner _____ %
Jockey _____ %
Charity _____ %

IV. The Parties agree that any revenues received shall be held by _____ who shall hold a valid Kentucky Horse Racing Commission license, and shall be distributed as indicated above no later than _____, 2018.

V. The Parties agree that this Agreement contains the final expression of their agreement and supersedes and replaces any prior oral or written agreement. Any terms or conditions inconsistent with or in addition to terms and conditions herein contained shall be void and of no effect unless specifically agreed to in writing and signed by both parties.

VI. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Kentucky.

Owner* _____
Print Name _____
Address _____
Phone _____ Date _____

Jockey* _____
Print Name _____
Address _____
Phone _____ Date _____

*If authorized agent signing on behalf of Owner or Jockey, the authorized agent must be duly licensed as such by completing and filing with the Commission the "Authorized Agent License Application" form.

FORMS

KENTUCKY HORSE RACING COMMISSION

4063 Ironworks Parkway, Building B

Lexington, Kentucky 40511

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REQUEST TO WEAR ADVERTISING AND PROMOTIONAL MATERIAL

For request to be effective, all requested information must be provided not later than 5:00 pm two (2) days prior to the day of the applicable race.

Date of Entry: _____

Date of Race: _____

Racetrack: Churchill Downs _____

Race Number: _____

Name of Race (Stakes if Applicable): _____

Description of the material to be worn: (Use separate sheet if necessary):

Name of the advertiser, promotional brand or sponsor:

Name of the jockey wearing the material: _____

Signature of the Jockey or Duly Authorized Agent*

Date

Title (if applicable)

APPROVAL OF OWNER OR DULY AUTHORIZED AGENT*

Signature _____ Date _____

Title _____

APPROVAL OF LICENSED RACING ASSOCIATION

Signature _____ Date _____

Title _____

APPROVAL OF THE STEWARDS

Chief State Steward _____ Date _____

*If authorized agent signing on behalf of Owner or Jockey, the authorized agent must be duly licensed as such by completing and filing with the Commission the "Authorized Agent License Application" form.