

HORSE RACING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses horse racing.

Highlighted Provisions:

This bill:

► requires the Utah Horse Racing Commission to report rulemaking action to a legislative committee; and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-38-104, as last amended by Laws of Utah 2019, Chapter 239

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-38-104** is amended to read:

4-38-104. Powers and duties of commission.

(1) The commission shall:

(a) license, regulate, and supervise the persons involved in the racing of horses as



28 provided in this chapter;

29 (b) license, regulate, and supervise the recognized race meets held in this state under
30 the terms of this chapter;

31 (c) cause the various places where recognized race meets are held to be visited and
32 inspected at least once a year;

33 (d) assist in procuring public liability insurance coverage from a private insurance
34 company for those licensees unable to otherwise obtain the insurance required under this
35 chapter;

36 (e) subject to Subsection (5), make rules in accordance with Title 63G, Chapter 3, Utah
37 Administrative Rulemaking Act, to govern race meets, including rules to:

38 (i) [~~to~~] resolve scheduling conflicts and settle disputes among licensees;

39 (ii) [~~to~~] supervise, discipline, suspend, fine, and bar from events a person required to be
40 licensed by this chapter;

41 (iii) [~~to~~] exclude a horse from a racetrack facility in this state, or prohibit a horse from
42 participating in a horse race or race meet; and

43 (iv) [~~to~~] hold, conduct, and operate [~~all~~] the recognized race meets conducted pursuant
44 to this chapter;

45 (f) determine which persons participating, directly or indirectly, in recognized race
46 meets require licenses;

47 (g) announce the time, place, and duration of a recognized race meet for which a
48 license is required; and

49 (h) establish reasonable fees for [~~all~~] the licenses provided for under this chapter.

50 (2) The commission may:

51 (a) grant, suspend, or revoke [~~licenses~~] a license issued under this chapter;

52 (b) impose [~~finer~~] a fine as provided in this chapter;

53 (c) access criminal history record information for [~~the licensees and~~] a licensee and the
54 commission or contracted [~~employees~~] employee;

55 (d) exclude from any racetrack facility in this state a person, including an owner, who:

56 (i) the commission considers detrimental to the best interests of racing; or

57 (ii) violates this chapter or any rule or order of the commission; and

58 (e) exclude from a racetrack facility in this state, or prohibit from participating in a

59 horse race or race meet, a horse that is owned, in full or part by a person:

60 (i) who the commission considers detrimental to the best interests of racing; or

61 (ii) who violates this chapter or a rule or order of the commission.

62 (3) (a) For purposes of Subsection (2)(e), ownership includes a horse for which an
63 individual or entity has a beneficial or other interest, as defined by rule.

64 (b) The period of time a horse may be excluded or prohibited from racing under
65 Subsection (2)(e) may not exceed one calendar year from the date of the initial oral or written
66 ruling by the stewards.

67 (c) A change in ownership or beneficial interest in a horse excluded or prohibited from
68 racing under Subsection (2)(e) does not affect the horse's exclusion from a racetrack or
69 prohibition from racing unless otherwise determined by the commission.

70 (4) The commission may contract, in accordance with Title 63G, Chapter 6a, Utah
71 Procurement Code, with a person to issue a license required under Subsection (1)(a) or (b).

72 (5) (a) In addition to complying with Title 63G, Chapter 3, Utah Administrative
73 Rulemaking Act, before a change of rule takes effect, the commission shall present the
74 proposed making, amending, or repealing of the rule to:

75 (i) if the Legislature is not in session, the Natural Resources, Agriculture, and
76 Environment Interim Committee; or

77 (ii) if the Legislature is in session, the House of Representatives and Senate Natural
78 Resources, Agriculture, and Environment standing committees.

79 (b) After reviewing the proposed making, amending, or repealing of a rule, the
80 committee described in Subsection (5)(a) may make recommendations regarding the change of
81 rule.