

5224.0311 JOCKEYS.

Subpart 1. **Definition.** A jockey is a person who is licensed under Minnesota Statutes, chapter 240 to ride race horses for compensation as a jockey or apprentice jockey.

Subp. 2. **Independent contractor.** A jockey is an independent contractor with respect to the racetrack, trainer, and horse owner if all of the following criteria are substantially met.

A. Arrangements for rides are made by the jockey or by an agent of the jockey who receives a commission from the jockey.

B. The jockey is free to ride the horses of any stable.

C. The jockey is free to accept or reject a call.

D. The jockey provides his or her own saddle.

E. The trainer instructs the jockey regarding the nature of the mount, the setup of the race, and the trainer's expectations of the running of the race. The jockey is free to disregard the instructions of the trainer, and may decide the route to be taken, the rate of speed of the horse, and similar matters regarding the running of the race.

F. Payment is a fee paid on a per-race basis from the horseperson's account of the racetrack.

Subp. 3. **Employee.** A jockey is an employee of the trainer if all of the following criteria are substantially met.

A. The jockey rides only for the employing trainer or the jockey rides for other trainers only with the permission of the employing trainer.

B. The jockey is not free to reject the employing trainer's call.

C. The trainer provides or pays for the jockey's saddle.

D. The jockey is not free to disregard the instructions of the trainer regarding the running of the race except for safety reasons.

E. The jockey is paid a salary or wage by the trainer on a time rather than per-race basis; compensation usually includes room and board, and the wage may be paid from the horseperson's account at the racetrack.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852*

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