

5224.0312 TRAINERS.

Subpart 1. **Definition.** A trainer is a person who is licensed as a trainer under Minnesota Statutes, chapter 240.

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

A. The trainer sets a fee which covers the daily fee, and bills the owner for the day pay and any additional supplies or services incurred in the care of the horse.

B. Tack, feed, board, and all supplies necessary for the ordinary care of the horse are provided by the trainer.

C. The trainer has a substantial capital investment in tack, equipment, and supplies.

D. The trainer makes all decisions regarding management of the horse while the horse is at the trainer's stable. If the trainer disagrees with instructions of the owner, the trainer is free to tell the owner to remove the horse from the trainer's care, and the owner must comply.

E. The trainer is free to stable and train the horses of other owners.

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

A. The trainer is paid on a salary, wage, or similar time basis.

B. Tack, feed, board, equipment, and supplies for the care of the horse are provided by the owner.

C. The stables are owned or operated by the owner of the horses.

D. The trainer must comply with instructions of the owner regarding management of the horse, although the owner generally relies on the expertise of the trainer.

E. The trainer may stable and train the horses of others only with the permission of the employing owner.

F. The trainer's hours of work are set by the owner of the horse.

Statutory Authority: *MS s 176.041; 176.83*

History: *10 SR 1852*

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