NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILING CAPTION: Amend OAR 462-150-0030 (11) to more clearly define what events void a claim.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/20/2018 11:30 AM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Karen Parkman
971-673-0208
karen.parkman@oregon.gov
800 NE Oregon Street Suite 310
Portland, OR 97232

Filed By:
Karen Parkman Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/20/2018
TIME: 11:00 AM - 11:30 PM
OFFICER: Charles Williamson
ADDRESS: Portland State Office Building
800 NE Oregon Street
Suite 310
Portland, OR 97232

SPECIAL INSTRUCTIONS:
Room 1E

NEED FOR THE RULE(S):
To create consistency across jurisdictions and to clearly define what events void a claim.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
Kentucky Rules of Racing. Documents have been archived at the Oregon Racing Commission administrative office located at 800 NE Oregon Street, Suite 310, Portland, OR 97232

FISCAL AND ECONOMIC IMPACT:
none

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost
of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

none

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
Stakeholders brought forward the request.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO   IF NOT, WHY NOT?
A public meeting of the Oregon Racing Commission Medication and Horse Welfare Committee met and discussed the rule amendment request from stakeholders and accepted public comment and discussion.

AMEND: 462-150-0030

RULE SUMMARY: New language amends claiming rule OAR 462-150-0030 (11) to more clearly define what events will void a claim.

CHANGES TO RULE:

462-150-0030
Claiming Rules ¶

(1) The primary purpose of claiming races is the classification of horses. No person shall enter or allow to be entered in a claiming race a horse against which any mortgage, bill of sale or lien of any kind is held, unless the written consent of the mortgagor, the holder of the bill of sale or the lien claimant has been filed with the racing secretary. ¶
(2) In claiming races, any horse is subject to claim for the entered price by any owner licensed by the commission and in good standing who has at least one eligible horse registered with the racing secretary of a race meet in Oregon, or by any licensed owner with a valid claim certificate. Any other person who wishes to claim a horse must complete a prospective horse owner’s application form, and the completed form must be approved by the board of stewards or the commission. After the board of stewards or the commission has approved the prospective horse owner’s application a claim certificate may be issued. A claim certificate shall become void on the date of a successful claim. ¶
(3) A claim may be made by an authorized agent, but only for the account of those for whom he or she is licensed as an authorized agent by the commission. A trainer’s license is not an authorized agent’s license. ¶
(4) No person shall claim or cause to be claimed, directly or indirectly, a horse in which the person has an ownership interest. ¶
(5) A person may claim more than one horse from any one race. An authorized agent may submit claims for more than one owner in any one race, but may not submit more than one claim for any one horse. When a trainer’s stable consists of more than one owner, each owner may submit a claim in any one race, but no two or more shall submit a claim for any one horse or all such claims shall be void. No person will be eligible to claim another owner’s horse from his/her own trainer’s stable. “Person” includes any corporation, partnership, stable name or other legal entity. ¶
(6) The claiming price of each horse in a claiming race shall be printed on the official program, and all claims shall be for the designated amount. However, if there is a printer’s error in the official program, the claiming price designated on the official entry form shall govern. Submission of a claim in excess of the official claiming price shall not void the claim. ¶
(7) All claims shall be made in writing by the prospective owner or authorized agent on forms and in the envelopes furnished by the race meet licensee and approved by the commission. Forms and envelopes must be filled out completely and must accurately identify the claim, and be properly signed. If two or more owners are claiming the horse together as Owner #1 “and” Owner #2 “and” Owner #3, all owners must sign the claim form otherwise, the
claim will be void. If two or more owners are claiming the horse together as Owner #1 "or" Owner #2 "or" Owner #3, any one or all of the owners may sign the claim form.¶

(8) All claim forms shall be deposited in the claiming box at least 15 minutes before the established post time of each race. After the claim is deposited the claimant shall have no access to the claim form or the envelope.¶

(9) No money or its equivalent shall be put in the claiming box. For a claim to be valid, the claimant must have a credit balance of not less than the amount of the claim in the claimant's account with the race meet licensee's paymaster of purses.¶

(10) Claims are irrevocable unless fraud or deception is involved. The claimant former owner and/or authorized agent shall have 48 hours from the start of the race from which the horse was claimed to file a protest. ¶

(11) Title to a claimed horse shall be vested in the successful claimant from the time the horse is determined to be a starter by the board of stewards. The successful claimant shall become the owner of the horse even if the horse is injured during or after the race. However, the claim shall be void if the horse is a starter; and the funds transferred to the account of the previous owner, with said funds immediately available for future claiming transactions. ¶

(a) The stewards shall void the claim and return the horse to the original owner if:¶

(A) The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track; or ¶

(B) The commission veterinarian determines to be a starter and either:¶

(a) The horse will be placed on the Veterinarian's List as bled, unsound, or lame horse dies on the racetrack; or ¶

(b) Suffers an injury while on the racetrack in which requires the euthanasia of the horse as determined by the State Veterinarian. ¶

(b) The stewards shall not void the claim if, prior to the race, the claimant indicates on the claim envelope that he or she elects to claim the horse regardless of whether determined by the State Veterinarian. ¶

(12) A claimed horse shall run in the interest and for the account of the owner from whom it is claimed. ¶

(13) Claims which are not in keeping with these rules shall be void. The stewards may at any time require any person filing a claim to attest in writing that the person is claiming in accordance with these rules. The stewards shall be the judges of the validity of all claims. ¶

(14) A claim shall represent a bona fide offer by the claimant to buy at the claiming price. Claiming owners are bound by claims made by their authorized agent. By entering a horse in a claiming race, all owners agree to sell at the designated claiming price if the stewards determine there is a valid claim. ¶

(15) Any horse that has been claimed may be directed by the board of stewards to be taken to the test barn by the prior owner or their representative for delivery to the claimant or representative. The claimant or representative shall accompany the claimed horse to the test barn, however, the care and custody of the horse shall be the responsibility of the original owner or representative until the post race samples have been taken. If a claimed horse is not directed to the test barn, the original owner or their representative shall accompany the horse to the paddock for delivery to the claimant or their representative unless otherwise instructed by the stewards. Written authorization for any claim must be signed by a steward, the clerk of scales, or claims clerk and delivered to the original owner or representative. ¶

(16) No person shall refuse to deliver to a valid claimant a horse claimed out of a claiming race. A horse that has been validly claimed shall be disqualified until delivery is made to the claimant. ¶

(17) If more than one valid claim is filed for the same horse, the title to the horse shall be determined by lot in the paddock under the supervision of one or more of the stewards or claims clerk. ¶

(18) No horse claimed in a claiming race shall be sold or have ownership in said horse transferred, wholly or in part, to anyone within 30 days after the date it was claimed, except in another claiming race. ¶

(19) No claimed horse shall remain in or return to the same trainer's stable or under the care or management of the owner or trainer from whom the horse was claimed for the 30 days. ¶

(20) In claiming races, engagements follow the horse unless the conditions of the race specifically state to the contrary. ¶
(21) No person shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming, any horse in a claiming race. No person shall attempt to prevent anyone from running a horse in any claiming race. No owner or trainer shall make any agreement with another owner or trainer or jockey for the protection of each other’s horses in a claiming race, or refuse to race to prevent a claim.

(22) Should any stable name be eliminated by sale or removal from the racecourse, the right to claim is void without a valid claim certificate. When a stable name has been eliminated by claiming, the affected owner shall have the right to claim during the next 30 calendar days at the same continuous race meet in this state, even though all or a portion of the next 30 calendar days may take place in the following year.

(23) No official or employee of a race meet licensee shall give any information as to the filing of claims until after the race has been run.

(24) When a claimed horse goes to the test barn, a representative of both the former owner and the new owner shall accompany the horse to the test barn. The claiming of any horse in a race shall not diminish or limit the liability or responsibility of the former owner and trainer for compliance with the statutes and rules of horse racing as to the claimed horse.

(25) The foal certificate of a claimed horse must remain in the custody of the racing secretary until the new owner removes the horse from the racecourse. No registration papers on a claimed horse may be removed from the racing secretary’s office for 48 hours after the race.

(26) No person shall enter a mare in any claiming race when the mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement whereby the owner, at the time of entry, shall provide to the successful claimant without cost, protest or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the commission a petition for rescission of the claim within forty-five (45) days exclusive of the day of claim if the claimant finds that the claimed mare is pregnant and the agreement to provide a stallion service certificate has not been deposited as required by this section.

(27) If, in a claiming race, a horse is scratched after scratch time or is declared a non-starter, any claim or claims for the horse will be void. The stewards may require the horse to run back at the same price in the horse’s next start.

(28) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

Statutory/Other Authority: ORS 462.270(3)
Statutes/Other Implemented: ORS 462.270