



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

03/08/2023 9:08 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-120-0040 updates language and clarifies what is required for certain licenses.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/26/2023 5:00 PM

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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Clarification of licensing requirements to certain licenses with updated language.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Electronically stored and available upon request

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No Affect

FISCAL AND ECONOMIC IMPACT:

No Impact

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).

No cost to comply

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

AMEND: 462-120-0040

RULE SUMMARY: Amends 462-120-0040 updates language and clarifies what is required for certain licenses.

CHANGES TO RULE:

462-120-0040

Types of Licenses ¶¶

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.¶¶

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.¶¶

(3)(a) When the decedent was the sole owner the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.¶¶

(b) When the decedent was the owner in part, the Board of Stewards may allow the horse(s) to be entered and raced by the survivors provided any decedent's share of monies earned are held pending legal transfer through legacy, intestate succession or authorized sale. In order for this to be considered, the Board of Stewards must be presented with a letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.¶¶

(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:¶¶

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.¶¶

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon if that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers.¶¶

(A) The trainer representing an owner may file a temporary license application on behalf of the owner by signing the application and paying the applicable license fees. The temporary license shall be terminated if the applicant's fingerprints, completed application(s), and such other documentation as may be required for license are not submitted to the Commission within 30 days following the date of issuance of the license. In the event of termination of a temporary license, the occupational license fee shall be forfeited. Termination of a temporary license is without prejudice to the applicant unless the Commission finds that the applicant has made a material misrepresentation or false statement to the Commission to obtain a license privilege. No more than one temporary license shall be issued to an applicant without that applicant first submitting to the Commission such fingerprints and completed applications as required under this article.¶¶

(B) The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.¶¶

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.¶¶

(d) A stable/assumed name owner's license is required if the name appears as an owner on the registration papers of any animal racing in Oregon.¶¶

(e) A trainer's license is required of persons employed by a racing animal owner or stable to condition and care for racing animals racing in Oregon.¶¶

(f) An assistant trainer's license is required of persons who assist trainers.¶¶

(g) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representative and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3 trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.¶

(h) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate. ~~Notwithstanding OAR 462-120-0060 the temporary license may be~~ Should the jockey not be able to perform at a satisfactory level at the gate for a period longer than 10 days in order for the stewards to evaluate the applicant's during the race the license may be revoked by the stewards until such time the jockey can demonstrate adequate skills. All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. ~~The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes such~~ Jockeys must produce proof of passage of the physical examination upon request of the stewards within a reasonable time as determined by the stewards. A physician's annual examination. A physical card or certificate or a physician's release will be seen as initial proof of such passage of such annual physical examination; however, the stewards may require additional information on the examination as to how, where, when, and with what results, the examination was performed. The stewards may require that any jockey be re-examined and may refuse to allow any jockey to ride until he/she successfully completes such re-examination. ¶

(i) An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. The stewards may require evidence of competency.¶

(A) Except as otherwise provided under this rule, an applicant for a provisional exercise rider license shall provide evidence that an Oregon licensed trainer employs him or her by submitting a notarized Provisional Exercise Rider Agreement. The notary acknowledgement is not necessary if the Agreement is signed before a Commission employee. The form shall be available at Commission licensing offices at live race meetings, and at Commission headquarters offices.¶

(B) A licensed provisional exercise rider shall:¶

(i) Not enter the track without the permission of the outrider and, unless the outrider states otherwise, shall be accompanied by the mounted trainer/ employer or the trainer's assistant trainer while on the track.¶

(ii) While on the track wear a helmet cover and vest cover of a distinctive color as determined by the outrider.¶

(C) A provisional exercise rider may apply for a license as an exercise rider 60 calendar days after the date of issuance of his or her provisional exercise rider license.¶

~~(i) At the time of application~~ When applying for licensure as an exercise rider, the provisional exercise rider shall submit a recommendation card that has been signed by demonstrate proficient abilities to carry out the duties of an exercise rider to the outrider, the starter and a steward. The recommendation card is available at Commission licensing offices at live race meetings, and Commission headquarter offices. By signing the recommendation card the outrider, the starter and the steward certify outrider, the starter and the steward shall certify to the Oregon Racing Commission licensing department either verbally or in writing that the applicant has:¶

~~(a)ii) Been observed riding one or more horses on the racetrack to the extent necessary for the outrider and starter to determine if the applicant has demonstrated an ability to safely navigate and respond to track conditions and knowledge of starting gate procedures.~~¶

~~(b) Complete and pass a written examination prescribed by the Commission and administered by its agents. A score of 80 percent shall constitute a passing grade on the written examination.~~¶

(D) An applicant who fails to adequately demonstrate horsemanship or who fails the written examination may reapply for a license as exercise rider after a period of at least 90 days.¶

(j) A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. The stewards may require evidence of competency.¶

(k) A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The

recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.¶

(l) A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.¶

(m) A public training track owner's license is required of every person who owns or manages a public training track.¶

(n) ~~A veterinarian license~~license issued by the Oregon Veterinary Medical Examining Board is required of any ~~veterinarian license~~employed by, or contracted by, the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the ~~commission~~Racing Commission to perform veterinary services on an Oregon racecourse. On or shortly after January 1st of each calendar year, the Oregon Racing Commission Licensing Office shall provide the Oregon Racing Commission's Chief Veterinarian with a list of all veterinarians currently licensed by the Oregon Racing Commission and request that the Chief Veterinarian confirm that all such commission licensees remain actively licensed by, and are in good standing with, the Oregon Veterinary Medical Examining Board. The Oregon Racing Commission's Chief Veterinarian shall report their findings to the Oregon Racing Commission's Licensing Department prior to the commencement of each year's horse racing season. The Licensing Department will document the status of each veterinarian in the Oregon Racing Commission's licensing office database.¶

(o) A valet/assistant starter license is required of any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.¶

(p) Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except:¶

(A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.¶

(B) Other contractors or individuals designated by the commission.¶

(q) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable owners or trainers on a racecourse.¶

(r) An authorized agent's license is required of authorized agents.¶

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature.¶

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.¶

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.¶

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.¶

(s) A jockey agent's license is required of any person who makes engagements for or manages a jockey.¶

(t) A racing official license is required of anyone performing the duties of any racing official position.¶

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.¶

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.¶

(5) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

Statutory/Other Authority: ORS 462.250

Statutes/Other Implemented: ORS 462.020