



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462

OREGON RACING COMMISSION

FILED: 08/26/2026 4:02 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Provides purpose and scope for new division of rules for Civil Penalties, Appeals, and Collections.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/15/2026 12:30 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.

CONTACT:

Karen Parkman

503-853-5927

Karen.parkman@orc.oregon.gov

PO Box 366

Gresham, OR 97030

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: 10/15/2026

TIME: 12:00 PM - 12:30 PM

OFFICER: Connie Winn

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-853-5927

CONFERENCE ID: 550384515

SPECIAL INSTRUCTIONS:

Passcode: D7eW2Rt3

NEED FOR THE RULE(S):

Required per: ORS 462.995 (2) The commission shall adopt rules establishing the civil penalties that may be imposed under this section. The maximum penalty may not exceed \$25,000.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Documents are stored electronically with the agency and are available upon request.

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

Will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

No

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):

small businesses were not involved and are not affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

462-135-0000, 462-135-0010, 462-135-0020, 462-135-0030, 462-135-0040, 462-135-0050, 462-135-0060, 462-135-0070, 462-135-0080, 462-135-0090, 462-135-0100, 462-135-0110

ADOPT: 462-135-0000

RULE SUMMARY: Required per: ORS 462.995 (2) The commission shall adopt rules establishing the civil penalties that may be imposed under this section. The maximum penalty may not exceed \$25,000.

CHANGES TO RULE:

462-135-0000

Purpose and Scope

(1) This division establishes civil penalty requirements, appeal-related cost procedures, and collection processes authorized under ORS Chapter 462.¶

(2) These rules apply to any person who violates ORS 462.020(1), engages in unauthorized wagering activity, or incurs appeal-related costs and debts under ORS 462.405.¶

(3) Civil penalties imposed under this division are in addition to any other remedy or sanction available under law.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0010

RULE SUMMARY: 462-135-0010 provides language for new division definitions.

CHANGES TO RULE:

462-135-0010

Division Definitions

(1) "Commission" means the Oregon Racing Commission.¶

(2) "Person" includes any individual, partnership, corporation, or entity subject to ORS Chapter 462.¶

(3) "Violation" means any act or omission listed in ORS 462.995(1) or rules adopted by the Commission.¶

(4) "Unauthorized wagering activity" means accepting, facilitating, promoting, or conducting any animal racing wager without authorization under ORS Chapter 462.¶

(5) "Costs of appeal" means Commission expenses and attorney fees described in ORS 462.405(6) and (7).

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0020

RULE SUMMARY: 462-135-0020 Provides language for civil penalty schedule .

CHANGES TO RULE:

462-135-0020

Civil Penalty Schedule ¶

(1) The Commission may impose a civil penalty of up to \$25,000 for each violation of ORS 462.995(1).¶

(2) Penalties shall fall within the ranges below unless aggravating or mitigating circumstances justify deviation:¶

(a) Minor violations: \$1,000-\$5,000.¶

(b) Moderate violations: \$5,001-\$15,000.¶

(c) Major violations: \$15,001-\$25,000.¶

(3) Each day a violation continues may constitute a separate violation.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0030

RULE SUMMARY: 462-135-0030 provides language procedures for civil penalties.

CHANGES TO RULE:

462-135-0030

Procedures for Civil Penalties

(1) Civil penalties shall be imposed in accordance with ORS 183.745.¶

(2) Prior to imposing a civil penalty, the Commission shall issue written notice including:¶

(a) The alleged violation;¶

(b) The proposed penalty amount;¶

(c) The right to request a hearing;¶

(d) Applicable deadlines.¶

(3) If a hearing is requested, the matter proceeds as a contested case under ORS Chapter 183.¶

(4) Following hearing or default, the Commission shall issue a final order with findings, conclusions, and penalty determination.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0040

RULE SUMMARY: 462-135-0040 provides language for remission or reduction of civil penalties.

CHANGES TO RULE:

462-135-0040

Remission or Reduction of Civil Penalties

(1) The Commission may remit or reduce penalties under ORS 462.995(4).¶

(2) A person seeking reduction or remission must submit a written request including:¶

(a) Explanation of circumstances:¶

(b) Supporting documentation:¶

(c) Corrective actions taken.¶

(3) The Commission may consider cooperation, corrective action, financial hardship, and voluntary self-reporting.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0050

RULE SUMMARY: 462-135-0050 provides language and factors for determining penalty amount.

CHANGES TO RULE:

462-135-0050

Factors for Determining Penalty Amount

In determining penalty amounts, the Commission shall consider:

(1) Past history of corrective efforts;

(2) Prior violations;

(3) Economic and financial conditions;

(4) The immediacy and extent of threat to the public good;

(5) The Commission may also consider intent, scope, and cooperation.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0060

RULE SUMMARY: 462-135-0060 Provides language for deposit of civil penalties.

CHANGES TO RULE:

462-135-0060

Deposit of Civil Penalties

All civil penalties collected under this division shall be deposited in the General Fund to the credit of the Oregon Racing Commission Account under ORS 462.260.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0070

RULE SUMMARY: 462-135-0070 provides language for assessment of appeal-related costs.

CHANGES TO RULE:

462-135-0070

Assessment of Appeal-Related Costs

(1) The Commission may assess all costs and attorney fees incurred as a result of an appeal, up to \$25,000, when any condition in ORS 462.405(6) or (7) occurs.¶

(2) The Commission may require payment of costs when:¶

(a) An adversely affected person withdraws an appeal on or after the 21st day before the scheduled hearing;¶

(b) The person fails, without good cause, to appear at the hearing;¶

(c) An administrative law judge determines the appeal lacked an objectively reasonable basis.¶

(3) The Commission shall notify the person in the notice of rights and final order when these provisions apply.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0080

RULE SUMMARY: 462-135-0080 provides language for collection of appeal-related awards.

CHANGES TO RULE:

462-135-0080

Collection of Appeal-Related Awards

(1) If costs or attorney fees awarded under ORS 462.405 remain unpaid, the Commission may request the Attorney General to file an action in court to recover:¶

(a) Costs described in ORS 462.405(6), plus reasonable legal fees.¶

(b) Awards described in ORS 462.405(7), plus reasonable legal fees.¶

(2) This section applies to all final orders containing cost or fee awards.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0090

RULE SUMMARY: 462-135-0090 provides language for referral of delinquent debts for collection

CHANGES TO RULE:

462-135-0090

Referral of Delinquent Debts for Collection?

(1) Accounts owed to the Commission, including civil penalties, costs, or attorney fees, become delinquent 90 days after the due date unless paid or under an approved payment arrangement.¶

(2) The Commission shall refer delinquent accounts for collection to:¶

(a) The Department of Revenue; or¶

(b) A private collection agency contracted by the state.¶

(3) Final amounts due may include:¶

(a) Collection fees;¶

(b) Accrued interest, up to the statutory maximum permitted by ORS 82.101;¶

(c) Any costs associated with lien filing.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0100

RULE SUMMARY: 462-135-0100 provides language for recording of liens .

CHANGES TO RULE:

462-135-0100

Recording of Liens?

(1) The Commission may record unpaid penalties, costs, or debts with any county clerk in Oregon.¶

(2) Recorded debts become liens enforceable according to ORS 205.125 and ORS 205.126.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725

ADOPT: 462-135-0110

RULE SUMMARY: 462-135-0110 provides language for severability.

CHANGES TO RULE:

462-135-0110

Severability

If any provision of this division is found invalid, the remaining provisions shall continue in effect.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.270(3), 462.725