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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

04/08/2024 11:57 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendment to OAR 462-210-0040 licensees to notify agency of new or modified funding.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/28/2024 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)

Reporting changes to the change in operations

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Audit unit committee. Stored electronically with Agency.

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 implement.

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

Advance Deposit Wagering companies were included in discussion. No other businesses were involved or affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-210-0040

RULE SUMMARY: Amends OAR 462-210-0040 to require licensees to submit a plan of operation for all new or modified funding sources.

CHANGES TO RULE:

462-210-0040

Operation of an Account ¶¶

(1) The licensee must submit a plan of operation for all new or modified funding sources, technologies, and/or reporting, including a plan of implementation and audit plan, to the Oregon Racing Commission for possible approval.¶¶

(2) The account wagering center may refuse deposits to an account for what it deems good and sufficient reason.¶¶

(23) The account wagering center may suspend any account or close any account at any time provided that when an account is closed, the account wagering center shall, within five business days, return to the account holder all monies then on deposit by sending a check to the principal residence address as listed on the application.¶¶

(34) Credits to an account after the initial establishment of the account may be made as follows:¶¶

(a) Deposits to an account by an account holder shall be made in the following forms:¶¶

(A) Cash deposit made at an approved outlet, or other deposit mechanisms as approved by the commission; or¶¶

(B) Check, money order or negotiable order of withdrawal given or sent to an account wagering center; or¶¶

(C) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, which may be given by telephone to the account wagering center by the account holder if the use of the card has been approved by the account wagering center; or¶¶

(D) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account.¶¶

(E) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.¶¶

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the account wagering center.¶¶

(c) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee.¶¶

(45) Debits to an account shall be made as follows:¶¶

(a) Upon receipt by the account wagering center of an account wager, the account wagering center shall debit the account in the amount of the wager; or¶¶

(b) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee; or¶¶

(c) An account wagering center may authorize a withdrawal from an account when one of the following exists:¶¶

(A) The account holder of an account appears personally at the account wagering center and provides the following:¶¶

(i) Proper identification;¶¶

(ii) The correct secure personal identification code; and¶¶

(iii) A properly completed and signed withdrawal slip.¶¶

(B) The account holder sends to the account wagering center a properly completed and signed withdrawal slip.

Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of its receipt, send a check to the account holder. The check shall be payable to the holder of the account and in the amount of the requested withdrawal. If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five-day time period.

Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center subject to the same conditions described for electronic funds transfer credits described in subsection (34)(a)(D) of this rule.¶¶

(d) The race meet licensee and/or the agent of the race meet licensee may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his/her principal residence address.¶¶

(e) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.¶¶

(56) The account wagering center shall not accept wagers from an account holder in an amount in excess of the

account balance.¶

(~~67~~) Checks, money orders and other negotiable instruments shall be posted to the credit of the account holder in accordance with financial institution funds availability schedules.¶

(~~78~~) Monies deposited with the account wagering center for account wagering shall not bear any interest to the account holder.¶

(~~89~~) Account wagers shall be accepted during such time and on such days in such manner as designated by the commission.¶

(~~910~~) Notwithstanding any other rules, the managing employee of the account wagering center may at any time declare the account wagering center closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering. Anytime the account wagering center is closed during normal wagering hours by the managing employee a written report must be filed with the commission within forty-eight (48) hours.¶

(~~101~~) The account wagering center has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.¶

(~~112~~) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. Except where the account wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the account wagering center shall not be responsible for any loss arising from the use by any other person or persons of an account holder's account. The account holder must immediately notify the account wagering center of a breach of the account's security.¶

(~~123~~) Payment on winning pari-mutuel wagers and credits for account wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.¶

(~~134~~) Upon request by an account holder the account wagering center shall provide on an annual basis, at no cost, a written statement of an individual's account activity. Unless written notice to the contrary is received by the account wagering center within fourteen (14) days of the date that any statement is sent to an account holder, the statement will be deemed accepted as correct.¶

(~~145~~) The principal residence address provided in writing by the account holder at the time of application is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.¶

(~~156~~) No employee or agent of the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder as required by these rules, the commission, and as otherwise required by state or federal law, or the rules of racing of this state.

Statutory/Other Authority: ORS 462.270(3), 462.700

Statutes/Other Implemented: ORS 462.142