

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED
11/26/2024 8:12 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies which out of state individuals need to be licensed

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/15/2025 8:00 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.

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)

Upgrade account security access.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ADW committee - Documents are stored electronically with the agency.

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

No Affect

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).

can be absorbed with existing resources.

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

Not necessary

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-220-0020

RULE SUMMARY: Clarifies which out of state individuals need licenses.

CHANGES TO RULE:

462-220-0020

Account Wagering Rules Apply ¶¶

- (1) The account wagering rules as set-forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.¶¶
- (2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:¶¶
 - (a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence, or the hub utilizes geo-location technology or methodology that has been approved by the commission, that confirms wagers are placed from jurisdictions where wagering is legal; and¶¶
 - (b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. ¶ 3001 to 3007.¶¶
- (3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.¶¶
- (4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber based system.¶¶
- (5) Requirements for the establishment and operation of accounts for individuals whose principale residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).¶¶
- (6) Notwithstanding OAR 462-120-0010(4) if the hub's out-of-state employees are licensed in a state or jurisdiction that does full background checks (including fingerprint), then an Oregon Commission license is not necessary upon review of the license standing and confirmation of those jurisdictions' processes.¶¶
- (7) Notwithstanding subsection (6) of this rule, any employee of the hub that has access to an account holder's confidential information must obtain a license from the commission.

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

Statutes/Other Implemented: ORS 462.725