

## Chapter 462

### Racing

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**LICENSING OF RACE MEETS, TRAINERS, DRIVERS AND JOCKEYS; BETTING AND BOOKMAKING REGULATIONS**

**462.010 Definitions.** As used in ORS 462 010 to 462 290, unless the context otherwise requires:

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

(2) "Race meet" means and includes any exhibition of thoroughbred and standardbred horse racing, or other animal racing, where the mutual system is used.

(3) "Licensee" means a person holding a license to conduct a race meet under this chapter.

(4) "Public training track" means any race course the facilities of which are available or open to the public for use in the training or schooling of racing animals [Amended by 1953 c 497 §4]

**462.020 Necessity for license of race meets, trainers, drivers and jockeys; licensees to observe rules and orders.** (1) No person shall hold any race meet without having first obtained and having in full force and effect a license issued by the Oregon Racing Commission

(2) No trainer, driver, jockey, apprentice jockey or trainer of any other animal shall participate in race meets in this state without first securing a license therefor.

(3) Each person holding a license under this chapter and every owner, trainer, driver, jockey, apprentice jockey and owner or trainer of any other animal at any racing place in this state, shall comply with all rules and regulations promulgated and all orders issued by the commission

**462.030 Qualifications for eligibility of race meet operator.** No person is eligible to operate a race meet with a license issued under this chapter unless he is the owner or controls the possession of a properly constructed race track suitable for the class of races which are proposed to be conducted at such race track and improved with safe and suitable grandstands, equipped with reasonably sanitary accommodations, adequate stables for livestock and such other proper improvements as in the judgment of the commission may be required, taking into consideration the location of such race track and the probable capacity requirements to accommodate the crowd and the number of people that will reasonably be expected to occupy the grandstands and attend the race meets.

**462.040 Type and contents of license.**

(1) Licenses granted by the commission shall be limited to:

(a) Licenses for horse race meets

(b) Licenses for race meets of animals other than horses.

(2) No licensee shall be granted licenses of both classes nor shall licenses be issued for more than one type of license on the same race course, track or location.

(3) The license shall specify the number of days the race meet shall continue and the number of races per day.

**462.050 Application; bond; payment of fees; return of deposit.** (1) Every person making application for a license to hold a race meet shall file the application with the commission. It shall set forth the time, place and number of days the applicant desires the meet to continue, together with the applicant's estimate of the daily average percentage payment which the applicant will pay to the state upon the gross amount of money wagered per day and such other information as the commission may require

(2) The commission may, in its discretion, require a performance bond in an amount not to exceed \$10,000, to insure that the licensee operates a race meet on the license days granted.

(3) The application shall be accompanied by a certified check on a bank maintaining an office and licensed to do business in Oregon in an amount equal to the license fee, exclusive of required percentage payments, required for the number of days for which the license is requested. If the license is not granted, such deposit shall be returned promptly to the applicant. If the license is granted, but for fewer days than applied for, the excess of the deposit shall be returned promptly to the applicant

**462.055 Authority of commission to require applicant to have recommendation of local governing body.** (1) The commission may require of every applicant for a license to hold a race meet, except a public nonprofit association, nonprofit corporation or nonprofit fair, including the Oregon State Fair and all county fairs, that has not, within five years prior to July 21, 1953, or within five years prior to making an application for a license to hold a race meet, operated a race meet in the county or the city in which application for a license to hold a race meet is made, a recommendation in writing of the

county court or board of county commissioners of said county in the event the race meet is to be held outside of a city, and of the governing body of such city if the race meet is to be held within a city.

(2) The commission may take such recommendation into consideration before granting or refusing such license. The applicant shall pay an investigating fee of \$15 to the recommending authority, if any [1953 c 551 §3]

**462.060 Daily average percentage payments and license fees for operators of race meets.** Each licensee conducting any licensed race meet shall make percentage and per diem payments to the commission. At the time of filing application in writing under ORS 462.050, the applicant may elect to compute and make percentage and per diem payments in either one of the following ways:

(1) Pay three percent of the gross receipts of all mutual wagering on any one day up to and including \$66,000, four percent of the amount wagered on any one day in excess of \$66,000 and up to and including \$133,000, five percent on any amount wagered on any one day in excess of \$133,000 and up to and including \$200,000, and six percent on any amount wagered on any one day in excess of \$200,000 and in addition thereto pay \$25 per day for horse racing and \$300 per day for racing with animals other than horses, except that for racing in counties having a population less than 200,000, the license fee shall, in the discretion of the commission be not less than \$15 per race for racing of animals other than horses and except that the only license fee of a public nonprofit association, nonprofit corporation or nonprofit fair, including the State Fair and all county fairs, shall be \$1 for each meet and, in addition thereto, one and one-half percent of the gross receipts of all mutual wagering at such meet.

(2) Pay five percent of the gross receipts of all mutual wagering on any one day up to and including \$133,000, six percent of the amount wagered on any one day in excess of \$133,000 and up to and including \$200,000, and seven percent on any amount wagered on any one day in excess of \$200,000, and in addition thereto pay \$100 per day for horse racing and \$300 per day for racing with animals other than horses except that for racing in counties having a population less than 200,000, the license fee

shall, in the discretion of the commission, be not less than \$15 per race for racing of animals other than horses and except that the only license fee, exclusive of required percentage payments, of a public nonprofit association, nonprofit corporation or nonprofit fair shall be \$1 for each meet. [Amended by 1953 c 551 §2]

**462.070 License fees for drivers, trainers and jockeys.** The license fees for the entire racing season in any one year shall be \$10 for horse drivers, trainers, jockeys and animal trainers and \$1 for apprentice jockeys [Amended by 1953 c 497 §4]

**462.080 Licenses not to be issued to certain persons; excluding persons from race course.** (1) A license shall not be issued to any person who has been convicted of a crime involving moral turpitude or who has been found guilty by the commission of a violation of ORS 462 010 to 462 290 or any rules and regulations of the commission or who has failed to pay any of the sums required by ORS 462 010 to 462 290.

(2) No license shall be granted or continued to any licensee for any race meet of any kind who has made default in any payment of any premiums or prizes on any races held in Oregon or who has failed to meet any other monetary obligation in connection with any race meet held in Oregon.

(3) The commission may exclude from any and all race courses any person whom the commission deems detrimental to the best interest of racing or any person who wilfully violates ORS 462 010 to 462 290 or any rule, regulation or order issued by the commission or any person who violates any law of this state or the United States.

**462.090 Revocation and cancellation.** (1) Any unexpired license held by any person who has been convicted by the commission of a violation of ORS 462 010 to 462 290 or any rule or regulation made pursuant thereto, or who fails to pay to the commission all sums required under ORS 462.010 to 462 290, shall be subject to cancellation and revocation by the commission.

(2) Cancellation shall be made only after a summary hearing before the commission of which three days' notice in writing shall be given to the licensee, specifying the grounds for the proposed cancellation.

(3) At the hearing, the licensee shall

be given an opportunity to be heard in opposition to the proposed cancelation.

(4) In case of a violation of ORS 462 140 by any licensee, the commission may cancel the license held by the offender. Such cancelation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender and the action of the commission in that respect shall be final

(5) Any credential or license issued by the Oregon Racing Commission to licensees, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a race track, shall be automatically revoked whether so used on or off a race track. [Subsection (5) enacted as 1953 c.499 §3]

**462.100 License fee and tax in lieu of all others.** The license fee and tax provided in this chapter for a race meet licensed thereunder shall be in lieu of all other licenses and privilege taxes or charges by the state or any county, city, town or other municipality for the privilege of conducting the race meet

**462.110 Public liability insurance required; bond of licensee; actions on bond.**

(1) For the protection of the public, and all members thereof, the exhibitors and visitors, every person licensed to conduct a race meet under this chapter shall carry public liability insurance in a form of contract and with a company to be approved by the commission. Every licensee shall provide and deliver to the commission a bond signed by a surety company authorized to do business in Oregon in such form as is required by the commission and in a sum of not less than \$5,000, and such further amount as may be required by the commission.

(2) The bond shall be conditioned that the licensee will pay to the state all moneys due it under ORS 462 010 to 462 290 and will pay and discharge all obligations to the employes, exhibitors, contestants and persons furnishing labor and material in connection with the race meet, or in connection with the construction, maintenance, repair or operations of the race track, buildings and grounds, and generally that such licensee will conduct the race meet strictly in accordance with ORS 462 010 to 462 290 and the rules and regulations of the commission and will

not violate any other law of the state while operating under said license.

(3) The Attorney General or the district attorney of the county wherein the race meet is held shall prosecute all actions on such bonds on behalf of the state

(4) Any person having any claim against any such licensee for any reasons whatever, except cause of action covered by public liability insurance, may prosecute the same in an action in his own behalf brought in the name of the state for his use and benefit and at the expense of such claimant. Any claimant recovering in any such action, suit or proceeding on any such bond shall be entitled to recover such sum as the court may adjudge reasonable for attorney's fees therein for bringing or prosecuting such action, suit or proceeding.

**462.120 Racing season; limitations on number, type and days of racing.** (1) All licensed race meets for horses and animals other than horses shall be licensed and held between May 1 and November 1, both inclusive.

(2) No license shall be granted for racing on Sundays.

(3) The number and kinds of race meets to be held in any one county in any one year shall be determined by the commission.

(4) Not more than 60 days of horse racing shall be held on any one track in any one year, and not more than 60 days of racing for animals other than horses shall be licensed in any one county in any one year.

(5) Excluding the days of racing permitted at county fairs, no more than 100 days of racing in any year shall be permitted in any one county

(6) If the combined requests exceed 100 days, the commission shall allot a maximum of 50 days to horse racing and 50 days to racing of animals other than horses

(7) No more than one race meet shall be conducted in any one county at the same time or on any one or number of days unless specifically licensed and authorized to do so by the commission

(8) Racing shall be permitted at the Oregon State Fair for the duration of that fair and no other race meet shall be licensed within a 75 mile radius of Salem during that period.

(9) No license shall be granted for any race meet to be held under this chapter for a date which will conflict with the date of

the Oregon State Fair or the county fair held in the county where such race meet is to be held.

**462.130 Oregon bred horses to be used exclusively in certain races.** For the purpose of encouraging the breeding, within the state, of valuable thoroughbred race horses, at least one race of each day's meet shall consist exclusively of Oregon bred horses.

**462.140 Prohibitions concerning book-making and betting; track take; breaks.** (1) No person shall conduct pool selling, book-making, or circulate handbooks, or bet or wager on any licensed race meet, other than by the mutual method.

(2) No licensee shall take more than twelve and one-half percent of the gross receipts of any mutual wagering system, except that any licensee who elects to compute and pay percentage and per diem payments as provided by subsection (2) of ORS 462.060 may take not in excess of 15 percent of the gross receipts of any mutual wagering system.

(3) No licensee shall compute breaks in the mutual system otherwise than at five cents.

**462.150 Regulation of underpayments; effect of government tax.** (1) If during any race meet conducted under this chapter, there is an underpayment of the amount actually due to any wagerer, the amount of such underpayment shall revert and belong to the state and be paid to the Oregon Racing Commission and become a part of its fund and shall not be retained by the licensee under whose license such race is held.

(2) However, if any government or governmental agency imposes a levy on the licensee, by a tax on the money so wagered and upon or against its receipts, the licensee may collect in addition to the percent and the breaks allowed under subsection (2) of ORS 462.140, the amount of the tax so levied.

**462.160 When race meet is a nuisance.** Every race meet held in this state contrary to ORS 462.010 to 462 290 is declared to be a public nuisance and may be summarily abated.

**462.170 Application of license provisions and rules to fairs and expositions; exemption from licensing.** (1) The license provisions of ORS 462 010 to 462 290 apply only to races where wagering is permitted, including the Oregon State Fair, the Pacific

International Exposition, the Pendleton Roundup, the Eastern Oregon Livestock Fair, any state fair, county or other public or nonprofit fair association.

(2) None of the fairs and shows listed in subsection (1) of this section shall hold more than one race meet annually and for a period of not to exceed six days, except as otherwise provided for the Oregon State Fair in ORS 462 120

(3) The rules of the commission shall apply to all race meets held by county fair associations and shall be enforced by the officers of each association as to race meets held on its grounds

**462.180 Application of chapter to racing of quarter, saddle and harness horses.** (1) If application is made to conduct a meet for horses, the commission may allow the racing of running horses, harness horses or quarter horses at such meet.

(2) Licensed race meets with quarter and saddle horses may be conducted in this state.

(3) Horse races with horses other than thoroughbreds shall be deemed race meets and shall be subject to and governed by ORS 462 010 to 462 290 and all other laws relating to horse races and race meets.

**462.190 and 462.200** [Reserved for expansion]

#### **THE OREGON RACING COMMISSION; ALLOCATION OF FUNDS TO FAIRS AND PUBLIC SHOWS**

**462.210 Oregon Racing Commission; appointment of members; tenure.** (1) There is created the Oregon Racing Commission to consist of five commissioners who shall be citizens, residents and qualified electors of this state

(2) On the Thursday following the second Monday in January of each odd year, the Governor shall appoint new members as follows:

- (a) One member in 1953.
- (b) Two members in 1955
- (c) Two members in 1957.

(3) Upon the expiration of the term of any member the Governor shall appoint a successor for a term of six years and until his successor is appointed and qualified.

**462.220 Compensation and expenses of members.** The members of the commission shall receive no compensation for their services but they shall be reimbursed for all

actual and necessary traveling and other expenses incurred by them in the performance of their duties.

**462.230 Vacancies and removal.** (1) Vacancies in the office of commissioner shall be filled by appointment to be made by the Governor for the unexpired term.

(2) Any commissioner may be removed by the Governor for cause after a public hearing. Notice of the hearing shall fix the time and place for the hearing and shall specify the charges. Copy of the notice shall be served on the commissioner by mailing it to the commissioner at his last known address at least 10 days before the date fixed for the hearing.

**462.240 Bonds of officers; oath of office.** (1) Before entering upon the duties of their respective offices, the chairman, the vice chairman and the secretary of the commission shall each separately enter into a surety company bond, to be approved by the Governor and the Attorney General, payable to the state, in the penal sum of \$10,000, conditioned upon the faithful performance of their duties and the correct accounting and payment of all sums received and within their control under ORS 462.010 to 462.290.

(2) Each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for the elective state offices.

**462.250 Organization of commission; employes of commission to conduct race meets; commission for race meet personnel.** (1) The commission shall organize by electing one of its members chairman and one vice chairman

(2) The commission shall appoint and employ a secretary who may be a member of the commission and such clerical, accounting or auditing, office and other help, including stewards, judges, veterinarians, chemists, auditors, inspectors and all other officials necessary to the proper conduct of a race meet and as is necessary in the performance of the duties imposed upon it by ORS 462.010 to 462.290

(3) The commission shall fix the salary, wages or fees to be paid for all such help, provided that they shall not pay or fix the same at more than is customarily paid for like services in like positions in the same type of racing where gross money wagered and duties required are comparable.

(4) Each licensee shall reimburse the

commission for all salaries, wages or fees paid for all such help employed at licensee's race meet.

**462.260 Disposition of moneys paid to commission; office, records and annual report of commission.** (1) All money payable to the commission shall be paid to the secretary and deposited in a bank selected by the commission and in an account to the credit of the commission subject only to the checks signed by the chairman, vice chairman and secretary, or any two of them.

(2) The commission may maintain an office and shall keep detailed records of all meetings and of all business transacted, and of all the collections and disbursements, reports of which shall be embodied in an annual report which the commission shall prepare, publish and submit to the Governor and members of the legislature on or before December 31 of each year. This report shall cover the activities of the commission for the preceding year.

**462.270 Duties of the commission.** (1) The commission shall license, regulate and supervise all race meets held in this state and cause the various places where race meets are to be held to be visited and inspected at least once a year.

(2) The commission shall be the sole judge of whether or not a race meet shall be licensed and shall specify the days and dates and number of days the meet shall continue and the number of races per day.

(3) The commission shall prepare and promulgate a complete set of rules and regulations to govern the race meets and public training tracks.

(4) The commission shall determine and announce the place, time and duration of race meets for which license fees shall be exacted [Amended by 1953 c 497 §4]

**462.280 Distribution and allocation of sums paid to commission.** Of the percentage of the gross receipts of the mutual wagering collected by the commission under this chapter:

(1) Two-fifths shall be paid into the State Treasury and shall be credited to the General Fund.

(2) The commission shall reserve and keep on hand a revolving fund necessary for payment of the current expenses of the commission not at any time in excess of \$5,000

(3) The remainder of said money shall

be paid at least weekly into the State Treasury where it shall be distributed and divided as follows:

- (a) Not more than \$35,000 in any one year, for the Oregon State Fair.
- (b) Not more than \$35,000 in any one year, for the Pacific International Livestock Exposition held in North Portland.
- (c) Not more than \$7,500 in any one year, for the Eastern Oregon Livestock Show, held at Union.
- (d) Not more than \$5,000 in any one year, for the Mid-Columbia Livestock Show, held at The Dalles
- (e) Not more than \$7,500 in any one year, for the Pendleton Roundup, held at Pendleton.
- (f) Not more than \$2,400 in any one year for the Northwestern Turkey Show, held in Douglas County.
- (g) Not more than \$5,000 in any one year for the Klamath Basin Roundup Association held in Klamath County.
- (h) Not more than \$2,500 in any one year for the Spring Lamb and Dairy Show held at Canby.
- (i) Not more than \$2,400 in any one year for the Pacific Coast Turkey Exhibit, held in Yamhill County.
- (j) Not more than \$2,500 in any one year for the Oregon State Corn Show to be held under the direction of the director of the Department of Agriculture of Oregon State College.

(4) The remainder hereby is appropriated and shall be paid to the several counties in equal parts for the benefit of their county fairs. However, in the event there are not sufficient sums paid to the commission to be distributed to the beneficiaries named in this section, the commission shall prorate the sums to be paid to the named beneficiaries.

**462.290 Use of moneys received by associations and shows.** (1) The moneys distributed under ORS 462.280 shall constitute appropriations for the support, benefit and maintenance of the beneficiaries designated therein and shall be paid to them on warrants drawn and paid as other public funds of the state are paid.

(2) Any accumulation of funds so distributed which may remain as unexpended balance or surplus held by, or for the benefit of, the fairs, expositions, shows and organizations named in ORS 462.280, may be used for the purchase, construction and main-

tenance of buildings, grounds and equipment for the fairs, expositions, shows or organizations by or for which such accumulation, balance or surplus is held.

**462.300 to 462.400** [Reserved for expansion]

**GENERAL REGULATIONS RESPECTING ANIMAL RACING**

**462.410 Definitions for ORS 462.410 to 462.470.** (1) As used in ORS 462.410 to 462.470, "drugs" shall mean and shall include, but not be limited to, all barbituric acid preparations and derivatives, opium and all its alkaloids, salts, preparations and derivatives and cocaine and all its salts, preparations, derivatives and substitutes.

(2) "Race" shall mean any race conducted in a race meet

(3) "Race meet" shall have the meaning defined and set forth in ORS 462.010.

(4) "Racing enclosure" shall mean and shall include, but not be limited to, the race track, paddock, stables, kennels and all other buildings and grounds adjacent to or appurtenant to the physical limits of the race track. [1953 c.498 §1]

**462.420 Stimulating or depressing racing animal with drugs or unauthorized device prohibited.** No person shall stimulate or depress any animal involved in any race by the administration of drugs or by the use of any electrical device or equipment or by any mechanical or other device not sanctioned by the commission [1953 c 498 §3]

**462.430 Attempt to affect race result by unlawfully stimulating or depressing participating animal prohibited.** No person shall influence or conspire or attempt to influence or conspire with any other person to affect the result of any race in which an animal participates by stimulating or depressing any animal involved in such race through the administration of any drug to such animal, or by the use of any electrical device or equipment or by any mechanical or other device not sanctioned by the commission. [1953 c 498 §2]

**462.440 Entering unlawfully stimulated or depressed animal in race within 48 hours prohibited.** No person shall knowingly enter any animal in any race within a period of 48 hours after any drug has been administered to such animal or within 48 hours after such animal has been stimulated or depressed



by the use of any electrical or mechanical device not sanctioned by the commission. [1953 c.498 §4]

**462.450 Regulation of possession, transportation or use of local anesthetics or barbituric acid preparations or derivatives within racing enclosure.** (1) No person shall possess, transport or use any local anesthetics or any barbituric acid preparation or derivative within the racing enclosure, except upon a bona fide veterinarian's prescription with a complete statement of the uses and purposes of such prescription upon the container of such prescription

(2) A copy of such prescription shall be filed with the presiding steward of the race meet, and such prescription shall be used only with approval of the said presiding steward and under the direct supervision of a veterinarian representing the commission. [1953 c.498 §7]

**462.460 Racing animal under name or designation other than registered name or designation prohibited.** No person shall knowingly enter or race any animal in any race under any name or designation other than that name or designation assigned to such animal by and registered with such club or association or other governing body recognized by the commission for such purpose [1953 c.498 §5]

**462.470 Aiding or abetting the racing of an animal under name or designation other than registered name or designation prohibited.** No person shall aid, abet, counsel, instigate, engage or in any way further any act by which any animal is entered or raced in any race under any name or designation other than that name or designation assigned to such animal by and registered with such club or association or other governing body recognized by the commission for such purpose. [1953 c 498 §6]

**462.480 to 462.500** [Reserved for expansion]

**462.510 Demand or acceptance of compensation for furnishing racing information as touting.** Any person who attempts to, or does persuade, procure or cause another person to wager on an animal participating in a race, and upon which money is wagered, and who asks or demands, or accepts com-

ensation as a reward for information or purported information given in such case is a tout, and is guilty of touting [1953 c.499 §1]

**462.520 Penalty for falsely using name of racing official as source of information in commission of touting.** Any person who in the commission of touting falsely uses the name of any official of the Oregon Racing Commission, its inspectors or attaches, or of any official of any race track association, or the names of any owner, trainer, jockey or other person licensed by the Oregon Racing Commission as the source of any information or purported information is guilty of a misdemeanor [1953 c.499 §2]

**462.530 Exclusion of certain persons from race tracks; penalty for refusing to leave.** (1) Any person who has been convicted of touting, and the record of whose conviction on such charge is on file in the office of the Oregon Racing Commission, or any person who has been ejected from any race track of this or any other state for touting or practices inimical to the public interest shall be excluded from all race tracks in this state

(2) Any such person who refuses to leave such track when ordered to do so by inspectors or stewards of the Oregon Racing Commission, or by any peace officer, is guilty of a misdemeanor. [1953 c 499 §4]

**462.540 to 462.980** [Reserved for expansion]

## PENALTIES

**462.990 Penalties.** (1) Violation of any provision of ORS 462.010 to 462.290 is a misdemeanor

(2) Any person violating the provisions of ORS 462.420, 462.430, 462.440, 462.450, 462.460 and 462.470 shall, upon conviction, be guilty of a felony and punished by imprisonment in the Oregon State Penitentiary for not more than two years or by a fine of not more than \$5,000, or by both

(3) Any person who attempts to or commits any act of touting as defined in ORS 462.510 shall, upon conviction, be fined not more than \$500 or be imprisoned for not more than six months, or both [Subsection (2) enacted as 1953 c.498 §8, subsection (3) enacted as 1953 c 499 §5]

