

House Bill 2247

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Oregon Liquor Control Commission to suspend or refuse renewal of liquor license immediately if licensee fails to comply with liquor liability insurance or surety bond requirements. Makes failure to supply proof of compliance at time of license renewal or upon request of commission reason for immediate suspension or refusal of renewal.

A BILL FOR AN ACT

1
2 Relating to liquor licenses; amending ORS 471.168.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 471.168 is amended to read:

5 471.168. (1) For the purpose of providing coverage for injuries suffered by persons by reason of
6 the conduct of intoxicated persons who were served alcoholic beverages on licensed premises while
7 visibly intoxicated, all persons holding a license described in this section must either:

8 (a) Maintain liquor liability insurance of not less than \$300,000; or

9 (b) Maintain a bond with a corporate surety authorized to transact business in this state in the
10 amount of not less than \$300,000.

11 (2) The Oregon Liquor Control Commission may by rule require liquor liability insurance or
12 bond in an amount larger than the minimum amount provided for in subsection (1) of this section.

13 (3) The requirements of this section apply to full on-premises sales licenses, limited on-premises
14 sales licenses and brewery-public house licenses. The requirements of this section apply to tempo-
15 rary sales licenses, special events winery licenses and special events grower sales privilege licenses
16 if the event that is licensed is open to the public and attendance at the event is anticipated to ex-
17 ceed 300 individuals per day.

18 (4) The requirements of this section apply to winery licenses, brewery licenses and grower sales
19 privilege licenses unless an applicant for issuance of the license or renewal of the license submits
20 with the application for issuance or renewal of the license an affidavit that states that the licensee
21 will not allow consumption of alcoholic beverages on the premises.

22 (5) All licensees subject to the requirements of this section must supply proof of compliance at
23 the time the license is issued or renewed. The commission by rule shall determine the manner in
24 which proof of compliance may be made under the provisions of this subsection. **The commission**
25 **may require a licensee to present proof of compliance with liquor liability insurance and bond**
26 **requirements at any time upon request of the commission.**

27 (6) **Failure of a licensee to comply with liquor liability insurance or bond requirements**
28 **imposed under this section constitutes a serious threat to public health and safety. In addi-**
29 **tion to any action available to the commission under ORS 471.313 or 471.315, the commission**
30 **may immediately suspend or refuse renewal of a license as provided under ORS 183.430 (2)**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **if the licensee fails to comply with those insurance or bond requirements.**

2 **(7) If a licensee fails to provide proof of compliance with liquor liability insurance or bond**
3 **requirements imposed under this section at the time of license renewal or when requested**
4 **by the commission, the failure is sufficient reason for the commission to find for purposes**
5 **of ORS 183.430 (2) that the licensee has failed to comply with the insurance or bond re-**
6 **quirements.**

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