

House Bill 2249

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 refuse service permit if applicant makes false statements to commission. Allows commission to revoke or suspend service permit or impose civil penalty if permittee makes false statements to commission.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverage service permits; creating new provisions; and amending ORS 471.380
3 and 471.385.

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

5 **SECTION 1.** ORS 471.380 is amended to read:

6 471.380. (1) The Oregon Liquor Control Commission may refuse to grant a service permit if it
7 has reasonable grounds to believe any of the following to be true:

8 (a) That the applicant is in the habit of using alcoholic beverages or controlled substances to
9 excess.

10 (b) That the applicant has made false statements to the commission [*in the permit application*].

11 (c) That the applicant is incompetent or physically incapable of performing the duties of a
12 permittee.

13 (d) That the applicant has been convicted of violating any of the alcoholic liquor laws of this
14 state, general or local, or has been convicted at any time of a felony.

15 (e) That the application has not been indorsed as required by ORS 471.375.

16 (f) That the applicant has not completed the alcohol server education course and examination
17 required by ORS 471.542.

18 (2) Notwithstanding ORS 183.435, an applicant who seeks review of the refusal of a service
19 permit must request a hearing:

20 (a) Within 15 days after notification of the refusal, if the refusal is based on failure to complete
21 the alcohol server education course and examination; or

22 (b) Within 30 days after notification of the refusal, if the refusal is based on any grounds other
23 than failure to complete the alcohol server education course and examination.

24 **SECTION 2.** ORS 471.385 is amended to read:

25 471.385. (1) The Oregon Liquor Control Commission may revoke or suspend a service permit, or
26 impose a civil penalty in lieu of or in addition to suspension as provided by ORS 471.322, if it finds
27 or has reasonable grounds to believe any of the following to be true:

28 [*(a) That the permittee has made any false statement in the application for the permit.*]

29 **(a) That the permittee has made false statements to the commission.**

30 (b) That the permittee has been convicted of a felony, of violating any of the liquor laws of the

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 state, general or local, or any misdemeanor or violation of any municipal ordinance committed on
2 the licensed premises.

3 (c) That the permittee has performed or permitted any act which would constitute a violation
4 of any provision of this chapter or any rule of the commission, if the act were performed or per-
5 mitted by any licensee of the commission.

6 (2) The issuance, suspension or revocation of a permit under ORS 471.360 to 471.390 does not
7 relieve a licensee from responsibility for any act of an employee on the licensee's premises.

8 (3) When there has been a violation of this chapter or any rule adopted thereunder upon any
9 premises licensed by the commission, the commission may revoke or suspend either the service
10 permit of the employee who violated the law or rule or the license of the licensee upon whose
11 premises the violation occurred, or both the permit and the license.

12 (4) The commission may revoke or suspend any license issued by the commission if the licensee
13 knowingly indorses a person's application for a permit when the person has been refused a permit
14 or has had a permit suspended or revoked, or when the licensee fails to comply with any provision
15 to be performed by the licensee under ORS 471.360 to 471.390.

16 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

17 **SECTION 3. The amendments to ORS 471.380 and 471.385 by sections 1 and 2 of this 2009**
18 **Act apply to false statements received by the Oregon Liquor Control Commission on or after**
19 **the effective date of this 2009 Act.**

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