

## SENATE AMENDMENTS TO HOUSE BILL 2249

By COMMITTEE ON BUSINESS AND TRANSPORTATION

May 15

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert  
2 “471.370, 471.380, 471.385 and 471.542.”.

3 On page 2, delete lines 17 through 19 and insert:

4 “**SECTION 3.** ORS 471.370 is amended to read:

5 “471.370. Unless sooner suspended or revoked, a service permit [*issued after November 1, 1981,*  
6 *shall expire on the anniversary date of the permittee’s birthday five years after the date of issuance of*  
7 *the permit*] **expires five years after the date on which the permittee completed the approved**  
8 **alcohol server education course under ORS 471.542 that qualified the permittee for the per-**  
9 **mit.**

10 “**SECTION 4.** ORS 471.542 is amended to read:

11 “471.542. (1) Except as provided in subsection (2) of this section, the Oregon Liquor Control  
12 Commission shall require a person applying for issuance or renewal of a server permit or any license  
13 that authorizes the sale or service of alcoholic beverages for consumption on the premises to com-  
14 plete an approved alcohol server education course and examination as a condition of the issuance  
15 or renewal of the permit or license.

16 “(2) A person applying for issuance or renewal of a license that authorizes the sale or service  
17 of alcoholic beverages for consumption on the premises need not complete an approved alcohol  
18 server education course and examination as a condition of the issuance or renewal of the license if:

19 “(a) The license has been restricted by the commission to prohibit sale or service of alcoholic  
20 beverages for consumption on the premises; or

21 “(b) The person applying for issuance or renewal of the license submits a sworn statement to  
22 the commission stating that the person will not engage in sale or service of alcoholic beverages for  
23 consumption on the premises, will not directly supervise or manage persons who sell or serve alco-  
24 holic beverages on the premises, and will not participate in establishing policies governing the sale  
25 or service of alcoholic beverages on the premises.

26 “(3) The commission by rule shall establish requirements that licensees and permittees must  
27 comply with as a condition of requalifying for a license or permit. The licensee or permittee must  
28 comply with those requirements once every five years after completing the initial alcohol server  
29 education course and examination. The requirements established by the commission **to requalify for**  
30 **a license** may include retaking the alcohol server education course and examination. **The require-**  
31 **ments established by the commission to requalify for a service permit shall include retaking**  
32 **the alcohol server education course and examination.**

33 “(4) The commission may extend the time periods established by this section upon a showing of  
34 hardship. The commission by rule may exempt a licensee from the requirements of this section if the  
35 licensee does not participate in the management of the business.

1 “(5) The standards and curriculum of alcohol server education courses shall include but not be  
2 limited to the following:

3 “(a) Alcohol as a drug and its effects on the body and behavior, especially driving ability.

4 “(b) Effects of alcohol in combination with commonly used legal, prescription or nonprescription,  
5 drugs and illegal drugs.

6 “(c) Recognizing the problem drinker and community treatment programs and agencies.

7 “(d) State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated  
8 persons, sale for on-premises or off-premises consumption, hours of operation and penalties for vio-  
9 lation of the laws.

10 “(e) Drunk driving laws and liquor liability statutes.

11 “(f) Intervention with the problem customer including ways to cut off service, ways to deal with  
12 the belligerent customer and alternative means of transportation to get the customer safely home.

13 “(g) Advertising and marketing for safe and responsible drinking patterns and standard operat-  
14 ing procedures for dealing with customers.

15 “(6) The commission shall impose a fee not to exceed \$2.60 a year for each license subject to  
16 the alcohol server education requirement, and a fee not to exceed \$13 for each service permit ap-  
17 plication. These fees shall be used for administrative costs of the Alcohol Education Program es-  
18 tablished under ORS 471.541 and shall be in addition to any other license or permit fees required  
19 by law or rule.

20 “(7) The commission shall adopt rules to impose reasonable fees for administrative costs on al-  
21cohol server education course instructors and providers.

22 “(8) The commission shall provide alcohol server education courses and examinations through  
23 independent contractors, private persons or private or public schools certified by the commission.  
24 The commission shall adopt rules governing the manner in which alcohol server education courses  
25 and examinations are made available to persons required to take the course. In adopting rules under  
26 this subsection, the commission shall consider alternative means of providing courses, including but  
27 not limited to providing courses through audiotapes, videotapes, the Internet and other electronic  
28 media.

29 “**SECTION 5. (1) The amendments to ORS 471.380 and 471.385 by sections 1 and 2 of this**  
30 **2009 Act apply to false statements received by the Oregon Liquor Control Commission on or**  
31 **after the effective date of this 2009 Act.**

32 “**(2) The amendments to ORS 471.370 by section 3 of this 2009 Act apply to service permits**  
33 **issued on or after the effective date of this 2009 Act.**

34 “**(3) The amendments to ORS 471.542 by section 4 of this 2009 Act apply to license and**  
35 **service permit requalification periods that begin on or after the effective date of this 2009**  
36 **Act.”.**

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