

## HOUSE AMENDMENTS TO HOUSE BILL 2541

By COMMITTEE ON JUDICIARY

May 5

1 On page 5 of the printed bill, delete lines 42 through 45.

2 On page 6, delete lines 1 through 40 and insert:

3 “**SECTION 8.** ORS 471.315 is amended to read:

4 “471.315. (1) **Except as provided in subsection (2) of this section**, the Oregon Liquor Control  
5 Commission may cancel or suspend any license issued under this chapter, or impose a civil penalty  
6 in lieu of or in addition to suspension as provided by ORS 471.322, if it finds or has reasonable  
7 ground to believe any of the following to be true:

8 “(a) That the licensee:

9 “(A) Has violated any provision of this chapter or ORS 474.115 or any rule of the commission  
10 adopted pursuant thereto.

11 “(B) Has made any false representation or statement to the commission in order to induce or  
12 prevent action by the commission.

13 “(C) Is not maintaining an acceptable bond as required by ORS 471.311 or is not maintaining the  
14 insurance or bond required by ORS 471.168.

15 “(D) Has maintained an insanitary establishment.

16 “(E) Is insolvent or incompetent or physically unable to carry on the management of the estab-  
17 lishment of the licensee.

18 “(F) Is in the habit of using alcoholic liquor, habit-forming drugs or controlled substances to  
19 excess.

20 “(G) Knowingly has sold alcoholic liquor to persons under 21 years of age or to persons visibly  
21 intoxicated at the time of sale or has knowingly allowed the consumption of alcoholic liquor on the  
22 licensed premises by a person who is visibly intoxicated at the time of consumption.

23 “**(H) Knowingly has sold alcoholic liquor to persons issued an identification card or driver  
24 license indicating that the person is not allowed to purchase alcohol.**

25 “[*H*] **(I)** Has misrepresented to a customer or the public any alcoholic liquor sold by the  
26 licensee.

27 “[*I*] **(J)** Since the granting of the license, has been convicted of a felony, of violating any of  
28 the liquor laws of this state, general or local, or of any misdemeanor or violation of any municipal  
29 ordinance committed on the licensed premises.

30 “(b) That any person licensed to sell at retail for consumption on the premises is acting as an  
31 agent of, or is a manufacturer or wholesaler of alcoholic liquors, or has borrowed money or prop-  
32 erty, or has accepted gratuities or rebates, or has obtained the use of equipment from any man-  
33 ufacturer or wholesaler of alcoholic liquor or any agent thereof.

34 “(c) That there is a history of serious and persistent problems involving disturbances, lewd or  
35 unlawful activities or noise either in the premises or involving patrons of the establishment in the

1 immediate vicinity of the premises if the activities in the immediate vicinity of the premises are  
2 related to the sale or service of alcohol under the exercise of the license privilege. Behavior which  
3 is grounds for cancellation or suspension of a license under this section, where so related to the sale  
4 or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound  
5 vibrations; public drunkenness; fights; altercations; harassment or unlawful drug sales; alcohol or  
6 related litter; trespassing on private property; and public urination. Mitigating factors include a  
7 showing by the licensee that the problems are not serious or persistent or that the licensee has  
8 demonstrated a willingness and ability to control adequately the licensed premises and patrons' be-  
9 havior in the immediate vicinity of the premises which is related to the licensee's sale or service  
10 of alcohol under the licensee's exercise of the license privilege.

11 “(d) That there is any other reason which, in the opinion of the commission, based on public  
12 convenience or necessity, warrants canceling or suspending such license.

13 “(2) **Subsection (1)(a)(H) of this section applies only to bars and taverns posted as off-**  
14 **limits to minors under rules adopted by the Oregon Liquor Control Commission.**

15 “[2] (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.”.

16 After line 44, insert:

17 “**SECTION 10. (1) Sections 2 and 3 of this 2009 Act and the amendments to ORS 471.105,**  
18 **471.130, 471.315, 807.110 and 807.400 by sections 4 to 8 of this 2009 Act become operative on**  
19 **January 1, 2011.**

20 “(2) **The Department of Transportation may adopt rules and take any other actions nec-**  
21 **essary to implement sections 2 and 3 of this 2009 Act and the amendments to ORS 807.110**  
22 **and 807.400 by sections 4 and 5 of this 2009 Act prior to January 1, 2011.”.**

23