

Senate Bill 136

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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**.

Shortens term of service permits issued by Oregon Liquor Control Commission.

Shortens time within which licensee or service permit holder must requalify for license or permit. Makes retaking approved service course and examination mandatory to requalify for service permit.

A BILL FOR AN ACT

1
2 Relating to persons regulated by the Oregon Liquor Control Commission; creating new provisions;
3 and amending ORS 471.370 and 471.542.

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

5 **SECTION 1.** ORS 471.370 is amended to read:

6 471.370. Unless sooner suspended or revoked, a service permit *[issued after November 1, 1981,*
7 *shall expire on the anniversary date of the permittee's birthday five years after the date of issuance of*
8 *the permit]* **expires three years after the most recent date on which the permittee completed**
9 **an approved alcohol server education course and examination under ORS 471.542.**

10 **SECTION 2.** 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 the
22 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]* **three** years after completing the initial alcohol
29 server education course and examination. The requirements established by the commission **to re-**

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 **qualify for a license** may include retaking the alcohol server education course and examination.
2 **The requirements established by the commission to requalify for a service permit shall in-**
3 **clude retaking the alcohol server education course and examination.**

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

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

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

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

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

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

16 (e) Drunk driving laws and liquor liability statutes.

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

19 (g) Advertising and marketing for safe and responsible drinking patterns and standard operating
20 procedures for dealing with customers.

21 (6) The commission shall impose a fee not to exceed \$2.60 a year for each license subject to the
22 alcohol server education requirement, and a fee not to exceed \$13 for each service permit applica-
23 tion. These fees shall be used for administrative costs of the Alcohol Education Program established
24 under ORS 471.541 and shall be in addition to any other license or permit fees required by law or
25 rule.

26 (7) The commission shall adopt rules to impose reasonable fees for administrative costs on al-
27cohol server education course instructors and providers.

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

35 **SECTION 3. (1) The amendments to ORS 471.370 by section 1 of this 2009 Act apply to**
36 **service permits issued on or after the effective date of this 2009 Act.**

37 **(2) The amendments to ORS 471.542 by section 2 of this 2009 Act apply to license and**
38 **service permit requalification periods that begin on or after the effective date of this 2009**
39 **Act.**

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