

SENATE AMENDMENTS TO SENATE BILL 36

By COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 14

1 On page 1 of the printed bill, line 3, delete “471.166” and insert “471.313”.

2 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

3 “**SECTION 1.** ORS 471.313 is amended to read:

4 “471.313. The Oregon Liquor Control Commission may refuse to license any applicant under the
5 provisions of this chapter if the commission has reasonable ground to believe any of the following
6 to be true:

7 “(1) That there are sufficient licensed premises in the locality set out in the application, or that
8 the granting of a license in the locality set out in the application is not demanded by public interest
9 or convenience. In determining whether there are sufficient licensed premises in the locality, the
10 commission shall consider seasonal fluctuations in the population of the locality and shall ensure
11 that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

12 “(2) That the applicant has not furnished an acceptable bond as required by ORS 471.311 or is
13 not maintaining the insurance or bond required by ORS 471.168.

14 “(3) That, except as allowed by ORS 471.392 to 471.400, any applicant to sell at retail for con-
15 sumption on the premises has been financed or furnished with money or property by, or has any
16 connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

17 “(4) That the applicant:

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

20 “(b) Has made false statements to the commission.

21 “(c) Is incompetent or physically unable to carry on the management of the establishment pro-
22 posed to be licensed.

23 “(d) Has been convicted of violating any of the [*alcoholic liquor laws of this state, general or lo-*
24 *cal, or has been convicted at any time of a felony.*] **laws, general or local, of this state or another**
25 **state if the conviction is substantially related to the fitness and ability of the applicant to**
26 **lawfully carry out activities under the license.**

27 “(e) Has maintained an insanitary establishment.

28 “(f) Is not of good repute and moral character.

29 “(g) Did not have a good record of compliance with the alcoholic liquor laws of this state and
30 the rules of the commission when previously licensed.

31 “(h) Is not the legitimate owner of the business proposed to be licensed, or other persons have
32 ownership interests in the business which have not been disclosed.

33 “(i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately
34 meet the requirements of the business proposed to be licensed.

35 “(j) Is unable to read or write the English language or to understand the laws of Oregon relating

1 to alcoholic liquor or the rules of the commission.

2 “(5) That there is a history of serious and persistent problems involving disturbances, lewd or
3 unlawful activities or noise either in the premises proposed to be licensed or involving patrons of
4 the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity
5 of the premises are related to the sale or service of alcohol under the exercise of the license privi-
6 lege. Behavior which is grounds for refusal of a license under this section, where so related to the
7 sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound
8 vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or re-
9 lated litter; trespassing on private property; and public urination. Histories from premises currently
10 or previously operated by the applicant may be considered when reasonable inference may be made
11 that similar activities will occur as to the premises proposed to be licensed. The applicant may
12 overcome the history by showing that the problems are not serious or persistent or that the appli-
13 cant demonstrates a willingness and ability to control adequately the premises proposed to be li-
14 censed and patrons’ behavior in the immediate vicinity of the premises which is related to the
15 licensee’s sale or service of alcohol under the licensee’s exercise of the license privilege.

16 **“SECTION 2. The amendments to ORS 471.313 by section 1 of this 2011 Act apply to ap-
17 plications filed with the Oregon Liquor Control Commission on or after the effective date of
18 this 2011 Act.”.**

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