

Senate Bill 37

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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**.

Adds violation of federal law by applicant as grounds for refusal by Oregon Liquor Control Commission to issue license.

A BILL FOR AN ACT

1
2 Relating to the refusal of the Oregon Liquor Control Commission to license an applicant; creating
3 new provisions; and amending ORS 471.313.

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

5 **SECTION 1.** ORS 471.313 is amended to read:

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

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

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

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

19 (4) That the applicant:

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

22 (b) Has made false statements to the commission.

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

25 (d) Has been convicted of violating [*any of the laws,*] **a** general or local[,] **law** of this state or
26 another state, **or of violating a federal law**, if the conviction is substantially related to the fitness
27 and ability of the applicant to lawfully carry out activities under the license.

28 (e) Has maintained an insanitary establishment.

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

30 (g) Did not have a good record of compliance with the alcoholic liquor laws of this state and

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 the rules of the commission when previously licensed.

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

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

6 (j) Is unable to read or write the English language or to understand the laws of Oregon relating
 7 to alcoholic liquor or the rules of the commission.

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

22 **SECTION 2. The amendments to ORS 471.313 by section 1 of this 2013 Act apply to li-**
 23 **censing decisions made by the Oregon Liquor Control Commission on or after the effective**
 24 **date of this 2013 Act regardless of the license application filing date.**

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