

DRAFT

SUMMARY

Requires live entertainment facility to obtain license from Department of Consumer and Business Services. Creates exceptions. Requires department to periodically inspect facility performance area for violations of fire and life safety code, structural integrity and security. Allows department to suspend license for failure to correct violations within reasonable time. Allows department to assess civil penalty for failure to obtain license, not to exceed twice license fee amount for each day of violation.

A BILL FOR AN ACT

Relating to live entertainment facilities.

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

SECTION 1. (1) As used in this section:

(a) “Live entertainment” means a presentation given exclusively or in major part by humans to a live audience.

(b)(A) “Live entertainment facility,” except as provided in subparagraph (B) of this paragraph, means a private club or place of public accommodation that:

(i) Has a maximum lawful occupancy of more than ____ persons;

(ii) Is operated for profit; and

(iii) Derives all or part of its income from the performance of live entertainment.

(B) “Live entertainment facility” does not mean:

(i) A private club or place of public accommodation that derives income from live entertainment only during special events that in total are held not more than ____ days per year;

(ii) A traveling or temporary facility that has no fixed location; or

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 (iii) A private school that provides instruction in kindergarten and
2 grades 1 through 12, a private university or a trade school.

3 (c) "Performance area" means the part of a live entertainment fa-
4 cility used to prepare for or present live entertainment or accommo-
5 date a live audience for live entertainment.

6 (2) A live entertainment facility may not present live entertainment
7 unless the facility has a valid live entertainment facility license issued
8 by the Department of Consumer and Business Services.

9 (3) The department shall issue a live entertainment facility license
10 upon submission of a completed application and payment of a reason-
11 able fee established by the department by rule. The department may
12 vary the required application information and applicable fee based
13 upon the approved maximum occupancy, size and configuration of the
14 facility, but not based upon the content of the live entertainment
15 presented at the facility.

16 (4) The department shall periodically inspect a live entertainment
17 facility that has been issued a live entertainment facility license to
18 ensure that the performance area:

19 (a) Is free from fire and life safety code violations;

20 (b) Is free from obvious defects in structural integrity;

21 (c) Is maintained in a clean and sanitary condition; and

22 (d) Has reasonable security provisions, as established by the de-
23 partment by rule, based on:

24 (A) The approved maximum occupancy of the facility;

25 (B) The size and configuration of the facility; and

26 (C) If applicable, any security or safety measures required by
27 Oregon Liquor Control Commission rules.

28 (5) The inspection required under subsection (4) of this section is
29 in addition to any other inspections that a federal, state or local offi-
30 cial or agency is required or authorized to perform under federal, state
31 or local laws. The department may enter into agreements with

1 municipalities that have programs described in ORS 455.148 or 455.150
2 for the municipalities to administer and enforce this section on behalf
3 of the department.

4 (6) The department may consult and cooperate with the State Fire
5 Marshal, the Oregon Health Authority, local public health depart-
6 ments, emergency responders, the Oregon Liquor Control Commission
7 and other entities concerning any rules or standards relevant to con-
8 ditions to be checked by the department during an inspection under
9 this section.

10 (7) If the department conducts an inspection under this section and
11 discovers that the performance area of a live entertainment facility
12 violates the fire and life safety code, lacks structural integrity, is not
13 in a clean and sanitary condition or lacks adequate security, the de-
14 partment may order the facility to take appropriate corrective action.
15 If the facility fails to comply within the time stated in the order,
16 which may not be less than 30 days, the department may suspend the
17 facility's live entertainment facility license. A suspended license is not
18 a valid license for purposes of subsection (2) of this section. This sub-
19 section does not prevent the department or other entities from taking
20 other remedial or punitive actions against a facility as provided by
21 law.

22 (8) If the department believes that a condition perceived during an
23 inspection under this section may be unlawful, the department may
24 report the condition to appropriate state or local officials or agencies.

25 (9) The department may assess a civil penalty against a live enter-
26 tainment facility that presents live entertainment without having a
27 valid license as required by subsection (2) of this section. The civil
28 penalty may not exceed twice the amount of the live entertainment
29 facility license fee applicable to the facility. Each day that a violation
30 continues is a separate violation subject to a separate penalty.

31 **SECTION 2.** (1) The Department of Consumer and Business Services

1 shall make live entertainment facility licenses available for issuance
2 under section 1 of this 2015 Act no later than 180 days after the effec-
3 tive date of this 2015 Act.

4 (2) Notwithstanding section 1 of this 2015 Act, the department may
5 not assess a civil penalty against a live entertainment facility for
6 failure to have a valid live entertainment facility license during the
7 period that ends 180 days after the department first makes live enter-
8 tainment facility licenses available for issuance. This subsection does
9 not prohibit the department from assessing a civil penalty against a
10 facility that presents live entertainment after having its license sus-
11 pended under section 1 of this 2015 Act.

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