

# House Bill 3060

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of National Association of Social Workers, Oregon Chapter)

## 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**.

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

1  
2 Relating to live entertainment facilities.

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

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

5 (a) **"Live entertainment" means a presentation given exclusively or in major part by hu-**  
6 **mans to a live audience.**

7 (b)(A) **"Live entertainment facility," except as provided in subparagraph (B) of this par-**  
8 **agraph, means a private club or place of public accommodation that:**

9 (i) **Has a maximum lawful occupancy of more than \_\_\_\_ persons;**

10 (ii) **Is operated for profit; and**

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

12 (B) **"Live entertainment facility" does not mean:**

13 (i) **A private club or place of public accommodation that derives income from live enter-**  
14 **tainment only during special events that in total are held not more than \_\_\_\_ days per year;**

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

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

18 (c) **"Performance area" means the part of a live entertainment facility used to prepare**  
19 **for or present live entertainment or accommodate a live audience for live entertainment.**

20 (2) **A live entertainment facility may not present live entertainment unless the facility**  
21 **has a valid live entertainment facility license issued by the Department of Consumer and**  
22 **Business Services.**

23 (3) **The department shall issue a live entertainment facility license upon submission of a**  
24 **completed application and payment of a reasonable fee established by the department by rule.**  
25 **The department may vary the required application information and applicable fee based upon**  
26 **the approved maximum occupancy, size and configuration of the facility, but not based upon**  
27 **the content of the live entertainment presented at the facility.**

28 (4) **The department shall periodically inspect a live entertainment facility that has been**

**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 issued a live entertainment facility license to ensure that the performance area:

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

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

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

5 (d) Has reasonable security provisions, as established by the department by rule, based  
6 on:

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

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

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

11 (5) The inspection required under subsection (4) of this section is in addition to any other  
12 inspections that a federal, state or local official or agency is required or authorized to per-  
13 form under federal, state or local laws. The department may enter into agreements with  
14 municipalities that have programs described in ORS 455.148 or 455.150 for the municipalities  
15 to administer and enforce this section on behalf of the department.

16 (6) The department may consult and cooperate with the State Fire Marshal, the Oregon  
17 Health Authority, local public health departments, emergency responders, the Oregon Liquor  
18 Control Commission and other entities concerning any rules or standards relevant to condi-  
19 tions to be checked by the department during an inspection under this section.

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

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

32 (9) The department may assess a civil penalty against a live entertainment facility that  
33 presents live entertainment without having a valid license as required by subsection (2) of  
34 this section. The civil penalty may not exceed twice the amount of the live entertainment  
35 facility license fee applicable to the facility. Each day that a violation continues is a separate  
36 violation subject to a separate penalty.

37 **SECTION 2.** (1) The Department of Consumer and Business Services shall make live  
38 entertainment facility licenses available for issuance under section 1 of this 2015 Act no later  
39 than 180 days after the effective date of this 2015 Act.

40 (2) Notwithstanding section 1 of this 2015 Act, the department may not assess a civil  
41 penalty against a live entertainment facility for failure to have a valid live entertainment  
42 facility license during the period that ends 180 days after the department first makes live  
43 entertainment facility licenses available for issuance. This subsection does not prohibit the  
44 department from assessing a civil penalty against a facility that presents live entertainment  
45 after having its license suspended under section 1 of this 2015 Act.

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