

# House Bill 3167

Sponsored by Representative BENTZ; Representative OLSON

## 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**.

Changes grounds for Oregon Liquor Control Commission to deny, suspend or revoke alcohol service permit. Eliminates nonviolent felony as grounds if not substantially related to fitness and ability to lawfully carry out activities under permit.

## A BILL FOR AN ACT

1  
2 Relating to alcohol server permits; amending ORS 471.380 and 471.385.

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

4 **SECTION 1.** ORS 471.380 is amended to read:

5 471.380. (1) The Oregon Liquor Control Commission may refuse to grant a service permit if it  
6 has reasonable grounds to believe any of the following to be true:

7 (a) That the applicant is in the habit of using alcoholic beverages or controlled substances to  
8 excess.

9 (b) That the applicant has made false statements to the commission.

10 (c) That the applicant is incompetent or physically incapable of performing the duties of a  
11 permittee.

12 (d) That the applicant:

13 (A) Has been convicted of violating any of the alcoholic liquor laws of this state, general or  
14 local[, *or*];

15 (B) Has been convicted at any time of a felony[.] **involving the use of violence; or**

16 (C) **Has been convicted at any time of a nonviolent felony that is substantially related to**  
17 **the fitness and ability of the applicant to lawfully carry out activities under the permit.**

18 (e) That the application has not been indorsed as required by ORS 471.375.

19 (f) That the applicant has not completed the alcohol server education course and examination  
20 required by ORS 471.542.

21 (2) Notwithstanding ORS 183.435, an applicant who seeks review of the refusal of a service  
22 permit must request a hearing:

23 (a) Within 15 days after notification of the refusal, if the refusal is based on failure to complete  
24 the alcohol server education course and examination; or

25 (b) Within 30 days after notification of the refusal, if the refusal is based on any grounds other  
26 than failure to complete the alcohol server education course and examination.

27 **SECTION 2.** ORS 471.385 is amended to read:

28 471.385. (1) The Oregon Liquor Control Commission may revoke or suspend a service permit, or  
29 impose a civil penalty in lieu of or in addition to suspension as provided by ORS 471.322, if it finds  
30 or has reasonable grounds to believe any of the following to be true:

31 (a) That the permittee has made false statements to the commission.

**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 (b) That the permittee has been convicted of[ *a felony, of*]:  
2 (A) Violating any of the liquor laws of the state, general or local[, *or*];  
3 (B) Any misdemeanor or violation of any municipal ordinance committed on the licensed  
4 premises[.];  
5 (C) **Any felony involving the use of violence; or**  
6 (D) **Any nonviolent felony that is substantially related to the fitness and ability of the**  
7 **permittee to lawfully carry out activities under the permit.**  
8 (c) That the permittee has performed or permitted any act which would constitute a violation  
9 of any provision of this chapter or any rule of the commission, if the act were performed or per-  
10 mitted by any licensee of the commission.  
11 (2) The issuance, suspension or revocation of a permit under ORS 471.360 to 471.390 does not  
12 relieve a licensee from responsibility for any act of an employee on the licensee's premises.  
13 (3) When there has been a violation of this chapter or any rule adopted thereunder upon any  
14 premises licensed by the commission, the commission may revoke or suspend either the service  
15 permit of the employee who violated the law or rule or the license of the licensee upon whose  
16 premises the violation occurred, or both the permit and the license.  
17 (4) The commission may revoke or suspend any license issued by the commission if the licensee  
18 knowingly indorses a person's application for a permit when the person has been refused a permit  
19 or has had a permit suspended or revoked, or when the licensee fails to comply with any provision  
20 to be performed by the licensee under ORS 471.360 to 471.390.  
21 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.  
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