

# House Bill 3098

Sponsored by COMMITTEE ON HEALTH CARE

## 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 licensees and permittees of Oregon Liquor Control Commission to check identification of all persons before selling or serving alcoholic liquor.

Directs commission to cancel or suspend license of licensee who knowingly sells alcoholic liquor to persons prohibited from purchasing alcoholic liquor.

Prohibits person from purchasing alcoholic liquor if convicted of driving while under influence of intoxicants. Requires temporary driver permit or identification card issued by Department of Transportation to indicate that person may not purchase alcoholic liquor.

## A BILL FOR AN ACT

1  
2 Relating to alcoholic liquor; amending ORS 471.105, 471.130, 471.315, 807.320, 807.400 and 809.240.

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

4 **SECTION 1.** ORS 471.105 is amended to read:

5 471.105. Before being qualified to purchase alcoholic liquor from the Oregon Liquor Control  
6 Commission, a person must be at least 21 years of age **and must have identification as required**  
7 **by ORS 471.130 that does not have an alcohol restriction indicated on the identification.**

8 **SECTION 2.** ORS 471.130 is amended to read:

9 471.130. (1) All licensees and permittees of the Oregon Liquor Control Commission, before selling  
10 or serving alcoholic liquor to any person [*about whom there is any reasonable doubt of the person's*  
11 *having reached*] 21 years of age **or older**, shall require such person to produce one of the following  
12 pieces of identification:

13 (a) The person's passport.

14 (b) The person's motor vehicle operator's license, whether issued in this state or by any other  
15 state, so long as the license has a picture of the person.

16 (c) An identification card issued under ORS 807.400.

17 (d) A United States military identification card.

18 (e) Any other identification card issued by a state that bears a picture of the person, the name  
19 of the person, the person's date of birth and a physical description of the person.

20 (2) If a person does not have identification as described in subsection (1) of this section, the  
21 permittee or licensee shall require such person to make a written statement of age and furnish ev-  
22 idence of the person's true age and identity. The written statement of age shall be on a form fur-  
23 nished or approved by the commission, including but not limited to the following information:

24 \_\_\_\_\_

25 \_\_\_\_\_

26 Date \_\_\_\_\_

27 I am 21 years of age or over. \_\_\_\_\_

28 Signature \_\_\_\_\_

**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 Description of evidence in support of age and identity:

2 \_\_\_\_\_ Identification No. (if any) \_\_\_\_\_

3 \_\_\_\_\_ Identification No. (if any) \_\_\_\_\_

4 (Fill in information pertaining to any two or more pieces of evidence submitted by the person.)

5 I hereby certify that I have accurately recorded identification of the evidence submitted to  
6 complete this form.

7 \_\_\_\_\_  
8 Signature of permittee or licensee

9 ORS 165.805 provides as follows:

10 165.805. (1) A person commits the crime of misrepresentation of age by a minor if:

11 (a) Being less than a certain, specified age, the person knowingly purports to be of any age other  
12 than the person’s true age with the intent of securing a right, benefit or privilege which by law is  
13 denied to persons under that certain, specified age; or

14 (b) (Not applicable.)

15 (2) Misrepresentation of age by a minor is a Class C misdemeanor.

16 \_\_\_\_\_  
17  
18 **SECTION 3.** ORS 471.315 is amended to read:

19 471.315. (1) The Oregon Liquor Control Commission may cancel or suspend any license issued  
20 under this chapter, or impose a civil penalty in lieu of or in addition to suspension as provided by  
21 ORS 471.322, if it finds or has reasonable ground to believe any of the following to be true:

22 (a) That the licensee:

23 (A) Has violated any provision of this chapter or ORS 474.115 or any rule of the commission  
24 adopted pursuant thereto.

25 (B) Has made any false representation or statement to the commission in order to induce or  
26 prevent action by the commission.

27 (C) Is not maintaining an acceptable bond as required by ORS 471.311 or is not maintaining the  
28 insurance or bond required by ORS 471.168.

29 (D) Has maintained an insanitary establishment.

30 (E) Is insolvent or incompetent or physically unable to carry on the management of the estab-  
31 lishment of the licensee.

32 (F) Is in the habit of using alcoholic liquor, habit-forming drugs or controlled substances to ex-  
33 cess.

34 (G) Knowingly has sold alcoholic liquor to persons under 21 years of age, **to persons issued**  
35 **an identification card or temporary driver permit indicating that the person is not allowed**  
36 **to purchase alcohol** or to persons visibly intoxicated at the time of sale, or has knowingly allowed  
37 the consumption of alcoholic liquor on the licensed premises by a person who is visibly intoxicated  
38 at the time of consumption.

39 (H) Has misrepresented to a customer or the public any alcoholic liquor sold by the licensee.

40 (I) Since the granting of the license, has been convicted of a felony, of violating any of the liquor  
41 laws of this state, general or local, or of any misdemeanor or violation of any municipal ordinance  
42 committed on the licensed premises.

43 (b) That any person licensed to sell at retail for consumption on the premises is acting as an  
44 agent of, or is a manufacturer or wholesaler of alcoholic liquors, or has borrowed money or prop-  
45 erty, or has accepted gratuities or rebates, or has obtained the use of equipment from any man-

1 manufacturer or wholesaler of alcoholic liquor or any agent thereof.

2 (c) That there is a history of serious and persistent problems involving disturbances, lewd or  
 3 unlawful activities or noise either in the premises or involving patrons of the establishment in the  
 4 immediate vicinity of the premises if the activities in the immediate vicinity of the premises are  
 5 related to the sale or service of alcohol under the exercise of the license privilege. Behavior which  
 6 is grounds for cancellation or suspension of a license under this section, where so related to the sale  
 7 or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound  
 8 vibrations; public drunkenness; fights; altercations; harassment or unlawful drug sales; alcohol or  
 9 related litter; trespassing on private property; and public urination. Mitigating factors include a  
 10 showing by the licensee that the problems are not serious or persistent or that the licensee has  
 11 demonstrated a willingness and ability to control adequately the licensed premises and patrons' be-  
 12 havior in the immediate vicinity of the premises which is related to the licensee's sale or service  
 13 of alcohol under the licensee's exercise of the license privilege.

14 (d) That there is any other reason which, in the opinion of the commission, based on public  
 15 convenience or necessity, warrants canceling or suspending such license.

16 (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

17 **SECTION 4.** ORS 807.320 is amended to read:

18 807.320. (1) Courts shall provide for issuance of court issued temporary driver permits in a  
 19 manner consistent with this section. A court issued temporary driver permit grants only those  
 20 driving privileges specifically granted under the permit.

21 (2) If a court takes immediate possession of a license or driver permit under ORS 809.275 upon  
 22 suspension or revocation of the driving privileges under the license or driver permit, the court shall  
 23 issue a court issued temporary driver permit to the person convicted if the court determines issu-  
 24 ance of the permit is necessary to give full effect to the requirement that the court take the license  
 25 or driver permit under ORS 809.275.

26 (3) A court issued temporary driver permit:

27 (a) Shall be issued in a form specified by the Department of Transportation.

28 (b) Is valid until midnight of the day of conviction of the person issued the permit.

29 (c) **Shall indicate that the person may not purchase alcoholic liquor if the person was**  
 30 **convicted of an offense that results in mandatory suspension or revocation of driving privi-**  
 31 **leges under ORS 813.400.**

32 **SECTION 5.** ORS 807.400 is amended to read:

33 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 34 who:

35 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

36 (b) Does not have a current, valid driver license; and

37 (c) Furnishes such evidence of the person's age and identity as the department may require.

38 (2) The department shall work with other agencies and organizations to attempt to improve the  
 39 issuance system for identification cards.

40 (3) Every original application for an identification card must be signed by the applicant. The  
 41 department shall require at least one document to verify the address of an applicant for issuance  
 42 of an identification card in addition to other documents the department may require of the applicant.  
 43 If the address of an applicant has changed since the last time an identification card was issued to  
 44 or renewed for the applicant, the department shall require proof to verify the address of an applicant  
 45 for renewal of an identification card, in addition to anything else the department may require.

1 (4) Every identification card shall be issued upon the standard license form described under ORS  
2 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
3 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
4 purposes only. The department shall use the same security procedures, processes, materials and  
5 features for an identification card as are required for a license under ORS 807.110.

6 (5) Upon order of the juvenile court, the department shall include on the card the fact that the  
7 person issued the identification card is an emancipated minor.

8 **(6) Upon order of the court, the department shall indicate on the card the fact that the**  
9 **person issued the identification card may not purchase alcoholic liquor.**

10 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration  
11 dates of licenses as set forth in ORS 807.130.

12 [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth  
13 in ORS 807.150.

14 [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-  
15 lished under ORS 807.410. In no event shall the issuance or renewal of an identification card be  
16 subject to any fee in addition to that set forth in ORS 807.410.

17 [(9)] (10) An identification card becomes invalid if the holder of the card changes residence ad-  
18 dress from that shown on the identification card and does not provide the department with notice  
19 of the change as required under ORS 807.420.

20 [(10)] (11) If a person to whom an identification card was issued and who changes residence  
21 address appears in person at a department office that issues identification cards, the department  
22 may do any of the following:

23 (a) Issue a replacement identification card containing the new address upon receipt of the old  
24 identification card and payment of the fee established for issuing a replacement identification card  
25 with a changed address under ORS 807.410. Except as otherwise provided in subsection [(12)] (13)  
26 of this section, the replacement identification card shall bear the same distinguishing number as the  
27 card being replaced.

28 (b) Note the new address on the old identification card in a manner to be determined by the  
29 department.

30 [(11)] (12) An identification card becomes invalid if the holder of the card changes the person's  
31 name from that shown on the card, including a change of name by marriage, without providing the  
32 department with notice of the change as required under ORS 807.420. Upon receiving such notice  
33 and the old identification card, the department shall issue a replacement identification card upon  
34 payment of the fee required under ORS 807.410.

35 [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs  
36 a replacement identification card that bears a different distinguishing number from the card being  
37 replaced, the person to whom the card was issued may obtain a replacement card from the depart-  
38 ment upon furnishing proof satisfactory to the department of the need for such replacement and  
39 payment of the replacement fee under ORS 807.410.

40 [(13)] (14) The department may establish by rule reasons for issuing replacement identification  
41 cards that are in addition to the reasons identified in subsections [(10) to (12)] (11) to (13) of this  
42 section. The fee for a replacement identification card is provided under ORS 807.410.

43 [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-  
44 rendered to the department. An identification card may be canceled for any of the reasons that  
45 driving privileges or a license may be canceled under ORS 809.310. The department may reissue

1 an identification card canceled under this subsection when the applicant has satisfied all require-  
2 ments for the identification card.

3 [(15)] (16) Notwithstanding any other provision of this section, the department may issue an  
4 identification card to a person under this subsection without charge when the person surrenders a  
5 license or driver permit to the department for reasons described in this subsection. If the department  
6 issues an identification card under this subsection, the identification card shall expire at the same  
7 time as the surrendered driver license or driver permit would have expired. An identification card  
8 issued under this subsection is subject to the same requirements and fees for renewal or upon ex-  
9 piration as any other identification card issued under this section. The department may issue iden-  
10 tification cards under this subsection as described under any of the following:

11 (a) The department may issue an identification card under this subsection to a person who vol-  
12 untarily surrenders a license or driver permit to the department based upon the person's recognition  
13 that the person is no longer competent to drive.

14 (b) The department may issue an identification card to a person under this subsection when the  
15 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the  
16 person voluntarily surrenders the person's license or driver permit to the department as provided  
17 under ORS 809.500.

18 **SECTION 6.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is amended  
19 to read:

20 807.400. (1) The Department of Transportation shall issue an identification card to any person  
21 who:

22 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

23 (b) Does not have a current, valid driver license;

24 (c) Furnishes such evidence of the person's age and identity as the department may require; and

25 (d) Submits to collection of biometric data by the department that establish the identity of the  
26 person as provided in ORS 807.024.

27 (2) The department shall work with other agencies and organizations to attempt to improve the  
28 issuance system for identification cards.

29 (3) Every original application for an identification card must be signed by the applicant. The  
30 department shall require at least one document to verify the address of an applicant for issuance  
31 of an identification card in addition to other documents the department may require of the applicant.  
32 If the address of an applicant has changed since the last time an identification card was issued to  
33 or renewed for the applicant, the department shall require proof to verify the address of an applicant  
34 for renewal of an identification card, in addition to anything else the department may require.

35 (4) Every identification card shall be issued upon the standard license form described under ORS  
36 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
37 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
38 purposes only. The department shall use the same security procedures, processes, materials and  
39 features for an identification card as are required for a license under ORS 807.110.

40 (5) Upon order of the juvenile court, the department shall include on the card the fact that the  
41 person issued the identification card is an emancipated minor.

42 **(6) Upon order of the court, the department shall indicate on the card the fact that the**  
43 **person may not purchase alcoholic liquor.**

44 [(6)] (7) Each original identification card shall expire on a date consistent with the expiration  
45 dates of licenses as set forth in ORS 807.130.

1        [(7)] (8) Identification cards shall be renewed under the terms for renewal of licenses as set forth  
2 in ORS 807.150.

3        [(8)] (9) The fee for an original identification card or a renewal thereof shall be the fee estab-  
4 lished under ORS 807.410.

5        [(9)] (10) An identification card becomes invalid if the holder of the card changes residence ad-  
6 dress from that shown on the identification card and does not provide the department with notice  
7 of the change as required under ORS 807.420.

8        [(10)] (11) If a person to whom an identification card was issued and who changes residence  
9 address appears in person at a department office that issues identification cards, the department  
10 may do any of the following:

11        (a) Issue a replacement identification card containing the new address upon receipt of the old  
12 identification card and payment of the fee established for issuing a replacement identification card  
13 with a changed address under ORS 807.410. Except as otherwise provided in subsection [(12)] (13)  
14 of this section, the replacement identification card shall bear the same distinguishing number as the  
15 card being replaced.

16        (b) Note the new address on the old identification card in a manner to be determined by the  
17 department.

18        [(11)] (12) An identification card becomes invalid if the holder of the card changes the person's  
19 name from that shown on the card, including a change of name by marriage, without providing the  
20 department with notice of the change as required under ORS 807.420. Upon receiving such notice  
21 and the old identification card, the department shall issue a replacement identification card upon  
22 payment of the fee required under ORS 807.410.

23        [(12)] (13) In the event that, for a reason identified by the department by rule, a person needs  
24 a replacement identification card that bears a different distinguishing number from the card being  
25 replaced, the person to whom the card was issued may obtain a replacement card from the depart-  
26 ment upon furnishing proof satisfactory to the department of the need for such replacement and  
27 payment of the replacement fee under ORS 807.410.

28        [(13)] (14) The department may establish by rule reasons for issuing replacement identification  
29 cards that are in addition to the reasons identified in subsections [(10) to (12)] (11) to (13) of this  
30 section. The fee for a replacement identification card is provided under ORS 807.410.

31        [(14)] (15) Upon cancellation of an identification card, the card is terminated and must be sur-  
32 rendered to the department. An identification card may be canceled for any of the reasons that  
33 driving privileges or a license may be canceled under ORS 809.310. The department may reissue  
34 an identification card canceled under this subsection when the applicant has satisfied all require-  
35 ments for the identification card.

36        [(15)] (16) Notwithstanding any other provision of this section, the department may issue an  
37 identification card to a person under this subsection without charge when the person surrenders a  
38 license or driver permit to the department for reasons described in this subsection. If the department  
39 issues an identification card under this subsection, the identification card shall expire at the same  
40 time as the surrendered driver license or driver permit would have expired. An identification card  
41 issued under this subsection is subject to the same requirements and fees for renewal or upon ex-  
42 piration as any other identification card issued under this section. The department may issue iden-  
43 tification cards under this subsection as described under any of the following:

44        (a) The department may issue an identification card under this subsection to a person who vol-  
45 untarily surrenders a license or driver permit to the department based upon the person's recognition

1 that the person is no longer competent to drive.

2 (b) The department may issue an identification card to a person under this subsection when the  
3 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the  
4 person voluntarily surrenders the person's license or driver permit to the department as provided  
5 under ORS 809.500.

6 **SECTION 7.** ORS 809.240 is amended to read:

7 809.240. (1) If a person is convicted of an offense that will result in mandatory suspension or  
8 revocation under ORS 809.409, 809.411, 809.413, 813.400 or 813.403, the trial judge shall:

9 (a) Impose the revocation or suspension at the time of conviction for the required period; and

10 (b) Comply with the requirements under ORS 809.275 to take possession of the license or driver  
11 permit of the person.

12 **(2) In addition to the requirements of subsection (1) of this section, if a person is con-**  
13 **victed of an offense that will result in mandatory suspension or revocation under ORS**  
14 **813.400, the trial judge shall require that an identification card issued to the person under**  
15 **ORS 807.400 or a temporary driver permit issued to the person under ORS 807.320 indicates**  
16 **that the person may not purchase alcoholic liquor.**

17 [(2)] **(3)** When necessary to give full effect to **subsection (1) of this section**, a court shall issue  
18 a temporary driver permit under ORS 807.320.

19