TITLE 37

ALCOHOLIC LIQUORS, NARCOTICS AND HABIT-FORMING DRUGS

Chapter 471. Alcoholic Liquors Generally
472. Sale of Alcoholic Liquor by Individual Drink
473. Liquor Manufacturing and Importing Tax
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Chapter 471

1959 REPLACEMENT PART

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DEFINITIONS; GENERAL PROVISIONS

471.005 "Alcoholic liquor," "club" and "commission" defined. (1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

(2) (a) "Club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (not including associations organized for any commercial or business purpose the object of which is money profit), owning, hiring or leasing a building, or space in a building which, in the judgment of the commission, is suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and is provided with suitable and adequate kitchen and dining room space, equipment, implements and facilities, and employing a sufficient number of servants or employes for cooking, preparing and serving food and meals for its members and their guests.

(b) "Club" does not include an association in which a member, officer, agent or employe of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to its members, or guests introduced by members, beyond the amount of a salary fixed and voted at annual meetings by the members, directors or other governing body of the club, and which, in the judgment of the commission, is reasonable and proper compensation for his services.

(3) "Commission," as used in this chapter, means the Oregon Liquor Control Commission.

471.010 "Hotel" defined. "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which 20 or more rooms are used for sleeping accommodations of such guests and having one or more dining rooms where meals are served to such guests; such sleeping accommodations and dining rooms being conducted in the same building, or buildings in connection therewith, and such structures being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein such number and kinds of servants and employes as the commission may, by regulation, prescribe for preparing, cooking and serving suitable food for its guests.

471.015 "Restaurant" and "premises" defined. (1) "Restaurant" means a space in an enclosure occupied and set apart from adjoining property by boundaries sufficiently apparent to indicate the approximate limits of occupation, with adequate and sanitary kitchen and dining room equipment, and catering to and serving bona fide meals to the general public.

(2) "Premises" or "licensed premises" used in connection with a licensed location means the room or enclosure at the address for which the license is issued.

471.020 "Table wine" and "dessert wine" defined. For the purpose of this chapter, unless required otherwise by context:

(1) "Table wine" (including light wine, light grape wine, light red wine, light white wine and natural wine) means any wine produced as a natural fermentation of sound, ripe grapes, fruits or berries, containing not to exceed 14 percent of alcohol by volume and produced in all respects in conformity with the laws of the United States and the regulations of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(2) "Dessert wine" (including appetizer wine) means any wine containing in excess of 14 percent of alcohol by volume and produced in all respects in conformity with the laws of the United States and the regulations of the Alcohol Tax Unit of the Bureau of Internal Revenue.

471.025 "To sell" and "sale" defined. (1) Whenever the words "sell" or "to sell" refer to anything forbidden under the Liquor Control Act and relate to alcoholic liquor, they include:

(a) To solicit or receive an order.

(b) To keep or expose for sale.

(c) To deliver for value or in any way other than purely gratuitously.

(d) To peddle.

(e) To keep with intent to sell.

(f) To traffic in.

(g) For any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured for any other person.

(2) The word "sale" includes every act of selling as defined in subsection (1) of this section.

471.027 "Liquor Control Act" defined. As used in this chapter, "Liquor Control Act" means ORS 471.005 to 471.015, 471.025 to 471.045, 471.105 to 471.125, 471.205 to 471.285, 471.290 to 471.325, 471.330, subsections (2) and (3) of ORS 471.335, subsection (2) of ORS 471.345, ORS 471.350, 471.405 to 471.430, 471.440, 471.445, subsection (2) of ORS 471.455, ORS 471.505 to 471.560, 471.605 to 471.680, 471.705 to 471.730, 471.740 to 471.795, 471.805, 471.810 and subsections (1), (4) and (5) of ORS 471.990.

471.030 Purpose of Liquor Control Act. (1) The Liquor Control Act shall be liberally construed so as:

(a) To prevent the recurrence of abuses associated with saloons or resorts for the consumption of alcoholic beverages.

(b) To eliminate the evils of unlicensed and unlawful manufacture, selling and disposing of such beverages and to promote temperance in the use and consumption of alcoholic beverages.

(c) To protect the safety, welfare, health, peace and morals of the people of the state.

(2) Consistent with subsection (1) of this section, it is the policy of this state to encourage the development of all Oregon industry.

471.035 Certain products excepted from liquor laws. No provision of the Liquor Control Act shall, by reason only that such product contains alcoholic liquor, prevent the sale of any perfume, lotion, tincture, varnish, dressing fluid, extracts, acid vinegar, or of any official medicinal or pharmaceutical preparations, or of any patent or proprietary medicine intended solely for medicinal purposes.

471.040 General powers of the commission. The commission has the powers and duties specified in this chapter, and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of this chapter. It shall make such rules and regulations pertaining to natural and fortified wines as will prevent the importation and sale in Oregon of blended, rectified, adulterated or low-quality wines. The jurisdiction, supervision, powers and duties of the commission extend to any person who buys, sells, manufactures, imports or transports any alcoholic liquor within this state. The commission may sue and be sued.

471.045 Liquor laws supersede and repeal inconsistent charters and ordinances. The Liquor Control Act, designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed.

471.050 to 471.100 [Reserved for expansion]

PURCHASERS' PERMITS

471.105 Contents of application and permit. Before being qualified to purchase alcoholic liquor from the commission, a person must be over 21 years of age and not interdicted under ORS 471.125, and must make application for and obtain a permit. Written application shall be made upon a form prescribed by the commission, including information as to the name, residence and age of the applicant and such other pertinent information as the commission may require. If the commission is satisfied that the applicant is a qualified person to obtain a permit, it shall issue the permit upon payment by such applicant of a fee of $1. All such permits shall expire on December 31 of each year at midnight. The permit shall be in such form as the commission shall prescribe, and shall include name, residence and age of the applicant, be countersigned with his own signature and contain such other pertinent information as the commission may require properly to identify the holder. A permit may be refused for any of the causes for which a permit may be revoked, as set forth in ORS 471.120. The record of the permits and of all sales made to the holder thereof is not open to public inspection and shall not be published.

471.110 Distribution of permit proceeds to cities. (1) One-half of all sums collected as permit fees under ORS 471.105 shall be paid to the incorporated cities of the state by the commission quarterly, during April, July, October and January, for the preceding three months, respectively. Each incorporated city shall receive such share of the money as its population, determined by the federal census last preceding such apportionment, bears to the total population of the incorporated cities of the state as determined by such census.

(2) "City" as used in this section, means only those incorporated municipalities which

are regularly operating as such through elected governmental officials. For the purposes of this section, the population of a city incorporated after the federal census last preceding such apportionment shall be determined by enumeration of the inhabitants thereof by persons appointed by the Secretary of State. The costs of the enumeration shall be borne by such city.

471.115 Limitations on purchasing may be imposed. The commission may limit the quantity of alcoholic liquor purchased at any one time by any person. It may limit the amount of purchases within any length of time so as effectually to prevent the resale of such liquors.

471.120 Revocation of permit. The commission shall have the power to revoke any permit to purchase liquor, upon proof that the permittee:

(1) Is a known or habitual drunkard or has been convicted of drunkenness.

(2) Has been convicted of any crime involving physical violence.

(3) Has been convicted of driving any automotive vehicle while intoxicated or under the influence of intoxicating liquor.

(4) Has resold or attempted to resell any alcoholic liquor purchased by him from the commission or its licensees, except as provided by this chapter.

(5) Has been interdicted as provided in ORS 471.125.

(6) Is receiving financial support or welfare or unemployment aid from any public agency.

(7) Has been convicted of violation of the Liquor Control Act.

471.125 Obtaining order of interdiction. Any person interested in the welfare of any person who habitually drinks alcoholic liquor to excess, or who has been convicted of any offense caused by drunkenness, may have such person summoned before any committing magistrate of the state or any municipal judge within whose jurisdiction such person may be found, to answer to the charge of excessive and improvident drinking of alcoholic liquor. If, upon a hearing, the magistrate or judge determines from all the evidence that further drinking of alcoholic liquor by the person complained against will be against the best interest of such person, his family, his dependents or the community, the magistrate or judge shall make and enter an order of interdiction substantially in the form following:

It is this —— day of ———, 19—, by the undersigned committing magistrate of the State of Oregon, in and for the County of ———, or municipal judge of the City of ———, Oregon, ordered that from and after the date hereof it is unlawful for any person, or for the State Liquor Commission, to sell any alcoholic liquor to ————.

Immediately upon the passage of the order of interdiction, the magistrate or judge shall send duplicate copies thereof to the main office of the commission, and shall also fill out correctly upon forms supplied by the commission such data that will as nearly as possible identify the interdicted person. The commission shall then revoke the permit of the interdicted person and shall notify its stores and agencies of the order. Any magistrate or judge who makes an order of interdiction shall reserve jurisdiction to vacate such order upon satisfactory showing to him that the reasons or causes for such order no longer exist.

471.130 Requiring statement of age. All licensees and permittees of the commission, before selling or serving alcoholic liquor to any person about whom there is any reasonable doubt of his having reached 21 years of age, shall require such person to make a written statement of age and furnish evidence of his true age and identity. The written statement of age shall be on a form furnished by the commission, and providing substantially as follows:

Date————.

I am 21 years of age or over.

————————————
Signature

Evidence in support of age and identity:

Driver's License #———— ( )
State

Military Record #————

Liquor Permit #————

Other ————

————

————

(Fill in license or card number of any one or more of above).

[Amended by 1955 c.525 §1]

471.135 False statement of age; statement of age as defense. (1) No person shall make a statement of age that is false in

whole or in part, or produce any evidence that would falsely indicate his or her age.

(2) A written statement of age, and the cards and other documents which were exhibited to the licensee at the time the statement was made, the numbers of identification of which are entered in writing on the statement, may be offered as evidence in defense of any administrative or criminal prosecution for sale or service of alcoholic liquor to a person not having reached 21 years of age. [Amended by 1955 c.525 §2]

471.140 to 471.200 [Reserved for expansion]

LIQUOR LICENSES

471.205 Necessity of license to brew or distill liquor. No person shall brew, ferment, distill, blend or rectify any alcoholic liquor unless licensed so to do by the commission. However, the Liquor Control Act does not apply to the making or keeping of naturally fermented wines and fruit juices or beer in the home, for home consumption and not for sale.

471.210 Commission's licensing duties; bonds and recommendations required. (1) The commission shall provide for the licensing of persons and incorporated cities within the state to manufacture, distribute, take orders for and sell spirits, wines, beer and other alcoholic liquors. Every applicant for a brewery, winery, farmer's winery, distillery or wholesale license shall give, and at all times maintain on file with the commission, a bond with corporate surety qualified under ORS 747.010. The bond shall be in form and amount acceptable to the commission, shall be payable to the commission and conditioned that such applicant will pay any fine imposed for any violation of any provision of the Liquor Control Act and that he will pay all license fees, privilege taxes, taxes on alcoholic liquors, together with penalties and interest thereon, levied or assessed against him under statutes relating to the importation, manufacture, distribution, sale or taxation of alcoholic liquors in the State of Oregon.

(2) The commission may require of every applicant for a license the recommendation in writing of the county court in the event the place of business of the applicant is outside an incorporated city, and of the city council if the place of business of the applicant is within an incorporated city. The commission may take such recommendation into consideration before granting or refusing the license. The applicant shall pay to such recommending authority a fee of $10 for each application for a license permitting the sale of alcoholic liquor for consumption on the premises set forth in the application, and the sum of $5 for all other applications for licenses.

471.215 Licenses issuable. The licenses described in ORS 471.220 to 471.289 may be issued by the commission, subject to its regulations and restrictions and the provisions of the Liquor Control Act. [Amended by 1957 c.223 §1]

471.220 Brewery and winery licenses. (1) A brewery license shall allow the manufacture, importation, storage, transportation, wholesale sale and distribution to licensees of the commission, and the export of malt beverages containing not more than eight percent of alcohol by weight. No brewery licensee shall sell any malt beverages to be consumed on the licensed premises. However, a brewery licensee may sell malt beverages containing not more than four percent of alcohol by weight, in quantities of not less than five gallons, to any unlicensed organization, lodge, picnic party or private gathering. Such malt beverages shall not be sold by any such unlicensed group. No brewery licensee shall sell within the State of Oregon any beer containing more than four percent of alcohol by weight.

(2) A winery license shall allow the licensee to import, bottle, manufacture, store and wholesale wines containing not more than 21 percent of alcohol by volume, and to sell the same to the commission or to any person licensed by the commission to resell the same at wholesale or retail, and to transport the same out of this state. A winery license also shall allow a licensee to purchase from or through the commission brandy or other spirituous liquor for use by such winery licensee in fortifying wines and which shall be used only for such purpose. No winery licensee shall sell any wine for consumption upon the winery premises. [Amended by 1955 c.657 §1]

471.225 Farmer's winery license. A farmer's winery license shall permit any farmer in the state who grows grapes or other fruit upon his own or leased land to manufacture wine out of such grapes or other fruit and to sell the wine at wholesale

or retail. A farmer's winery licensee shall not be permitted to fortify wine which he manufactures or produces. No farmer's winery licensee shall sell any wine for consumption upon the winery premises.

471.230 Distillery license. A distillery license shall allow the holder thereof to import, manufacture, distill, rectify, blend, denature and store spirits of an alcoholic content greater than 17 percent of alcohol by weight, to sell the same to the commission, and to transport the same out of this state for sale outside this state. Distillery licensees shall be permitted to purchase from and through the commission alcoholic liquor and spirits for blending and manufacturing purposes upon such terms and conditions as the commission may provide. No such licensee shall sell any alcoholic liquor within this state except to the commission. However, any agricultural producer or association of agricultural producers or legal agents thereof who manufacture and convert agricultural surpluses, by-products and wastes into denatured ethyl and industrial alcohol for use in the arts and industry shall not be required to obtain a license from the commission.

471.235 Wholesale wine license. A wholesale wine license shall allow the importation, storage, transportation, wholesale sale and distribution to licensees of the commission, and the export of wine of alcoholic content not in excess of 14 percent of alcohol by volume, and the importation and sale to the commission and the export of wine of alcoholic content in excess of 14 percent of alcohol by volume. No such licensee shall sell any alcoholic liquor for consumption upon the licensed premises. However, a wholesale wine licensee may sell naturally fermented wine containing not more than 14 percent of alcohol by volume in quantities of not less than five gallons nor more than 55 gallons at any one time to consumers for consumption not on the licensed premises. [Amended by 1955 c.657 §2]

471.240 Wholesale malt beverage license. A wholesale malt beverage license shall allow the importation, storage, transportation, wholesale sale and distribution to licensees of the commission and the export of malt beverages containing not more than eight percent of alcohol by weight. No wholesale malt beverage licensee shall sell any alcoholic liquor for consumption upon the licensed premises. Wholesale malt beverage licensees may sell malt beverages containing not more than four percent of alcohol by weight in quantities of not less than five gallons to any unlicensed organization, lodge, picnic party or private gathering. Such malt beverages shall not be sold by such unlicensed group. A wholesale malt beverage license shall permit the licensee also to sell malt beverages containing more than four percent of alcohol by weight, but not in excess of eight percent of alcohol by weight, at wholesale only, to persons holding licenses authorizing them to resell such beverages at retail. No wholesale malt beverage licensee shall sell within this state any beer containing in excess of four percent of alcohol by weight. [Amended by 1955 c.657 §3; 1957 c.223 §2]

471.245 Bottler license. A bottler license shall allow the licensee to bottle wine containing not more than 21 percent of alcohol by volume or malt beverages containing not more than eight percent of alcohol by weight. Such license shall not be issued to any person unless the commission is satisfied that he has adequate machinery, equipment and facilities for properly bottling such alcoholic liquors with full and complete sanitary safeguards. In no event shall such license be issued to any person who does not hold a wholesale wine or wholesale malt beverage license.

471.250 Restaurant licenses; various types. (1) A restaurant license shall allow the licensee to sell malt beverages containing not more than eight percent of alcohol by weight, and wine containing not more than 14 percent of alcohol by volume, to customers for consumption on the licensed premises. Restaurant licensees shall not be permitted to have any entertainment for customers other than radio, television or phonograph, and shall not allow dancing on the licensed premises.

(2) A qualified restaurant license shall allow the licensee to sell malt beverages containing not more than eight percent of alcohol by weight and wine containing not more than 14 percent of alcohol by volume, for consumption on the premises. Said licensee, however, shall be permitted to mix, store and serve other alcoholic liquor for consumption on the licensed premises. Qualified restaurant licensees shall not be permitted to have any entertainment for customers other than radio, television or phonograph, and shall not allow dancing on the licensed premises.

(3) An unrestricted restaurant license shall allow the licensee to sell malt beverages containing not more than eight percent of alcohol by weight and wine containing not more than 14 percent of alcohol by volume, for consumption on the licensed premises. Said licensee, however, shall be permitted to mix, store and serve other alcoholic liquor for consumption on the licensed premises. In the absence of any municipal ordinance or local regulation to the contrary, unrestricted restaurant licensees shall be permitted to allow dancing and to have any other proper form of entertainment for customers upon the licensed premises.

(4) Restaurant, qualified restaurant and unrestricted restaurant licensees must cater to and serve bona fide meals to the general public. No such licensee shall sell any alcoholic liquor containing more than four percent of alcohol by weight except with bona fide meals.

(5) A person operating a qualified hotel, as defined in ORS 471.010, may be granted any one of the three classes of restaurant licenses. Unless otherwise restricted, the privileges granted by any such restaurant license shall apply to all portions of the hotel controlled or operated by the person to whom the license is issued.

471.255 Club license. (1) A club license shall allow the licensee to sell malt beverages containing not more than eight percent of alcohol by weight and wine containing not more than 14 percent of alcohol by volume, but shall permit the mixing, storing and serving of alcoholic liquor. No sale or service shall be made except for consumption on the licensed premises by members of the club and their guests.

(2) Notwithstanding any provisions of any law to the contrary, the commission may in its discretion, grant to any licensed club the right and privilege of purchasing from the commission at the regular listed retail prices and storing on its licensed premises, a supply of alcoholic liquor for the purpose of resale in the original sealed containers, to members of the club having a valid purchaser's permit issued by the commission. Said alcoholic liquor shall be consumed only on the licensed club premises. The commission may make and prescribe regulations to control the purchase, storage, resale and consumption of such alcoholic liquor.

(3) In the absence of any municipal ordinance or local regulation to the contrary, club licensees shall be permitted to allow dancing and have any other proper form of entertainment for members and their guests upon the licensed premises. No club license will be issued unless the club applying therefor has been in existence and active for a period of not less than two years immediately prior to the date of application for the license, and during that period of time has had all the facilities and met all the qualifications and requirements for a club as defined in ORS 471.005.

471.260 Package store license. (1) A package store license shall allow the retail sale of certain specified types of alcoholic liquor in sealed packages. Package store licensees shall not permit the consumption of alcoholic liquor upon their licensed premises unless such licensee holds another license that permits such consumption.

(2) Package store licensees shall be of two classes:

(a) Class A package store license, which shall allow the sale of pasteurized malt beverages containing not more than four percent of alcohol by weight.

(b) Class B package store license, which shall allow the sale of pasteurized malt beverages containing not more than eight percent of alcohol by weight and wine containing not more than 14 percent of alcohol by volume.

471.265 Retail malt beverage license. A retail malt beverage license shall allow anyone operating a place of business where refreshments are served, to sell malt beverages containing not more than four percent of alcohol by weight, and shall be of the following classes:

(1) Class A retail malt beverage license, which shall permit the licensee to sell draft or pasteurized malt beverages for consumption on the licensed premises and pasteurized malt beverages in sealed packages for consumption off the licensed premises. Such licensees shall not sell any malt beverages containing more than four percent of alcohol by weight, shall not be permitted to have any entertainment for customers other than radio, television or phonograph and shall not allow dancing upon the licensed premises.

(2) Class B retail malt beverage license, which shall permit the licensee to sell pasteurized malt beverages in sealed packages for consumption on or off the licensed premises. Such malt beverages shall contain not more than four percent of alcohol by weight.

Such licensees shall not be permitted to have any entertainment for customers other than radio, television or phonograph and shall not allow dancing on the licensed premises.

471.270 Druggist's license and sales on prescription. (1) A druggist's license may be issued to any person operating a pharmacy, and who is, or has in his employ, a qualified pharmacist registered under the laws of this state. A druggist's license shall allow the sale of all alcoholic liquors listed in the U. S. P. and N. F., in containers of not more than one quart capacity, upon prescriptions only, and with the limit of one quart on each prescription. No such licensee shall permit the drinking of such alcoholic liquors on the premises of any drug store, except that such drug store may hold a retail malt beverage license. Such licensee may purchase alcoholic liquor in excess of 14 percent of alcohol by volume from or through the commission only.

(2) Registered pharmacists may fill a prescription containing alcoholic liquors of any kind for any physician duly licensed by this state, without regard to any local option laws or ordinances forbidding the sale of such liquors. Such prescription shall include the name and address of the person for whom it is prescribed, and shall be signed by the full name of the physician issuing it. It shall be filled only once, and the person making the sale of such prescription shall write on its face the number of the prescription, and the date of the sale or delivery of the liquor. He shall keep such prescription on file and available at all reasonable times to the inspection of the commission.

471.275 Railroad or boat license. A license may be granted to any public passenger carrier or any corporation which operates an electric or steam railroad in this state, or which operates club, parlor or dining cars upon the lines of any railroad in this state, or to any corporation or person operating a boat or boats engaged in the transportation of passengers to or from any port of this state. Such license shall allow the sale and public consumption of malt beverages containing not more than eight percent of alcohol by weight and wine containing not more than 14 percent of alcohol by volume, upon such terms as the commission shall prescribe. Railroad or boat licensees may be appointed by the commission to act as agents of the commission for the sale, in sealed packages, of alcoholic liquors containing more than 14 percent of alcohol by volume on railroad trains or boats of such licensees.

471.280 Industrial alcohol license. An industrial alcohol license shall be issued to any person upon compliance with such regulations and conditions as may be determined by the commission. Such licensees shall be authorized to manufacture and sell such proprietary and patent medicines, perfumes, lotions, flavoring extracts and other preparations unfit for beverage purposes, as may be approved by the commission.

471.285 Agent's license. An agent's license shall allow the holder to sell, solicit or take orders for alcoholic liquors to and from the commission only. No holder of an agent's license shall have any right, title, lien, claim or interest, financial or otherwise, in, upon or to the premises, equipment, business or merchandise of any licensee authorized to sell alcoholic liquor at retail. [Amended by 1955 c.657 §4; 1957 c.221 §1]

471.287 Salesman's license. A salesman's license shall allow the holder to offer for sale or solicit orders for the sale of alcoholic liquors containing not more than 14 percent of alcohol by volume to licensees of the commission authorized to resell the same. The provisions of this section shall not apply to drivers or driver-salesmen who deliver malt beverages or wine. No holder of a salesman's license shall have any right, title, lien, claim or interest, financial or otherwise, in, upon or to the premises, equipment, business or merchandise of any licensee authorized to sell alcoholic liquor at retail. [1955 c.657 §8; 1957 c.221 §2]

471.289 Manufacturer's certificate of approval. (1) No licensee of the commission shall manufacture, import into, or purchase in the State of Oregon for resale therein any malt beverages unless the manufacturer of such malt beverages has first obtained from the commission a certificate of approval, except that with respect to malt beverages manufactured outside the United States, the certificate of approval may be obtained by the person importing same into the United States. Such certificate of approval shall be granted only to manufacturers or importers who shall have entered into an agreement with the commission to furnish a report to

the commission, on or before the twentieth day of each month, showing the quantity of malt beverages delivered to each licensee of the commission during the preceding calendar month, and to faithfully comply with all laws of the State of Oregon pertaining to traffic in malt beverages. If any holder of such certificate, or any officer, agent or employe of such holder, shall violate any term or provision of such agreement, or submit any false or fictitious report, the commission may, in its discretion, suspend or revoke such certificate.

(2) Certificates of approval shall be of two classes:

(a) Class "A" certificate of approval shall apply to manufacturers or importers of malt beverages manufactured outside the United States.

(b) Class "B" certificate of approval shall apply to manufacturers of malt beverages manufactured within the United States. [1955 c.657 §6; 1957 c.111 §1]

471.290 Contents of application for license; fees. Any person desiring a license or renewal of a license shall make a sworn statement to the commission upon forms to be furnished by the commission showing the name and address of the applicant, his citizenship, location of the club or place of business which is to be operated under the license, and such other pertinent information as the commission may require. No license shall be granted or renewed until the provisions of the Liquor Control Act and the regulations of the commission have been complied with. The license fee payable on any license granted subsequent to January 1 of any year shall be proportionate to the remainder of the year computed on a quarterly basis. The annual license fee which shall be paid by each applicant upon the granting of a license, and the minimum bond required of each class of license, are as follows:

License	Fee	Minimum Bond
Brewery, including Certificate of Approval	$500	$1,000
Winery	250	1,000
Farmer's Winery	25	500
Distillery	100	1,000
Wholesale Wine	125	1,000
Wholesale Malt Beverage	150	1,000
Bottler	150	None
Restaurant	125	None
Qualified Restaurant	250	None
Unrestricted Restaurant	400	None
Club—with fewer than 500 members	100	None
Club—with more than 500 members	200	None
Agent	25	None
Salesman	5	None
Certificate of Approval, Class A	15	None
Certificate of Approval, Class B	50	None
Package Store, Class A	15	None
Package Store, Class B	50	None
Druggist	5	None
Railroad System or Public Passenger Carrier or Boat	100	None
Industrial Alcohol	50	None
Retail Malt Beverage, Class A	100	None
Retail Malt Beverage, Class B	50	None
Special retail beer license may be issued for any picnic, convention, fair, civic or community enterprise, at	$5 per day	

[Amended by 1955 c.657 §9; 1957 c.111 §2]

471.295 Grounds for refusing to issue license. The commission may refuse to license any applicant if it has reasonable ground to believe any of the following to be true:

(1) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience.

(2) That the applicant has not furnished an acceptable bond.

(3) That any applicant to sell at retail for consumption on the premises has been financed or furnished with money or property by, or has any connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

(4) That the applicant:

(a) Is in the habit of using alcoholic beverages or habit-forming drugs to excess.

(b) Has made false statements to the commission.

(c) Is not a citizen of the United States, or is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(d) Has been convicted of violating any of the alcoholic liquor laws of this state, general or local, or has been convicted at any time of a felony.

(e) Has maintained a noisy, lewd, disorderly or insanitary establishment.

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

(g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the regulations of the commission when previously licensed.

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

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

(j) Is unable to read or write the English language or to understand the Liquor Control Act or regulations of the commission. [Amended by 1953 c.14 §2]

471.300 [Amended by 1953 c.130 §2; repealed by 1957 c.220 §1 (ORS 471.301 enacted in lieu of ORS 471.300)]

471.301 Characteristics of a license. (1) A license granted under the Liquor Control Act shall:

(a) Be a purely personal privilege.

(b) Be valid for the year in which issued and expire December 31 of each year at 12 midnight, except the special retail beer licenses provided for in ORS 471.290.

(c) Be renewable in the manner provided in ORS 471.290, except for a cause which would be grounds for refusal to issue such license under ORS 471.295, and in case of refusal to renew a license notice shall be given and an appeal granted in the manner provided in ORS 471.320 and 471.325.

(d) Be revocable or suspendible as provided in ORS 471.315, subject to appeal as provided in ORS 471.325.

(e) Cease upon the death of the licensee, except as provided in subsection (2) of this section.

(f) Not constitute property.

(g) Not be alienable.

(h) Not be subject to attachment or execution.

(i) Not descend by the laws of testate or intestate devolution.

(2) The commission may, by order, provide for the manner and conditions under which:

(a) Alcoholic liquors left by any deceased, insolvent or bankrupt person or licensee, or subject to mortgage or pledge, may be foreclosed, sold under execution or otherwise disposed of.

(b) The business of any deceased, insolvent or bankrupt licensee may be operated for the unexpired term of the license. [1957 c.220 §2 (enacted in lieu of ORS 471.300)]

471.305 Special restrictions on brewery licensees, wholesale malt licensees and licensees authorized to retail liquor; purity standards for malt beverages sold. (1) A brewery or a wholesale malt beverage licensee shall deliver malt beverages only to or on a licensed premise. The sale of alcoholic liquors under any license issued by the commission authorizing retail sales by a licensee shall be restricted to the premises described in the license, but deliveries may be made by the licensee to customers pursuant to bona fide orders received on the licensed premises prior to delivery.

(2) All beer and other malt beverages sold in this state must be made of pure hops or pure extract of hops, and pure barley malt, or other wholesome grain or cereals, wholesome yeast and pure water, and must have been brewed and handled in accordance with the control regulations adopted by the Alcohol Tax Unit of the Internal Revenue Department of the United States.

471.310 Incorporated cities as licensees. Any incorporated city may, without further charter authority, become a licensee for the sale of intoxicating liquor containing not over 14 percent of alcohol by volume.

471.315 Grounds for cancelation or suspension of license. The commission may cancel or suspend any license if it finds or has reasonable ground to believe any of the following to be true:

(1) That the licensee:

(a) Or any of its principal officers, has violated any provision of this chapter or any regulation of the commission pursuant thereto.

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

(c) Is not maintaining an acceptable bond.

(d) Maintains a noisy, lewd, disorderly or insanitary establishment, or has been supplying impure or otherwise deleterious beverages or food.

(e) Is insolvent or incompetent or physically unable to carry on the management of his establishment.

(f) Is in the habit of using alcoholic liquor or habit-forming drugs to excess.

(g) Knowingly has sold alcoholic liquor to persons under 21 years of age, to persons known to be drunkards, to interdicted persons, or to persons visibly intoxicated at the time of sale.

(h) Has misrepresented to a customer or the public any alcoholic liquor sold by him.

(i) Or any of its principal officers, since the granting of his license has been convicted of a felony, of violating any of the liquor laws of this state, general or local, or of any misdemeanor or violation of any municipal ordinance committed on the licensed premises.

(2) That any person licensed to sell at retail for consumption on the premises is acting as an agent of, or is a manufacturer or wholesaler of alcoholic liquors, or has borrowed money or property, or has accepted gratuities or rebates, or has obtained the use of equipment from any manufacturer or wholesaler of alcoholic liquor or any agent thereof.

(3) That there is any other reason which, in the opinion of the commission, based on public convenience or necessity, warrants canceling or suspending such license. [Amended by 1953 c.107 §2]

471.320 Notice of refusal to renew, cancelation or suspension. Notice of refusal to renew, cancelation or suspension, stating the reason therefor, shall be served upon the licensee or the person in charge temporarily or otherwise of the licensed premises, or affixed to the outside of a door of the licensed premises, or sent by registered mail addressed to the licensee at the licensed premises. Notice of refusal to renew a license shall be affixed, served or delivered not later than 10 days prior to the expiration of the license. Cancelation or suspension shall take effect 10 days after the affixing, service or delivery of such notice. [Amended by 1957 c.220 §3]

471.325 Appeal by licensee or permittee after refusal to renew or cancelation by commission. (1) When the commission refuses to renew, suspends or revokes any license or permit, the person thereby affected may, within 10 days after receiving notice from the commission, appeal from such commission action. Such appeal shall be by suit in equity and shall be commenced in the circuit court in the county wherein the aggrieved person resides. The plaintiff shall set forth wherein the commission abused its discretion; and the complaint shall be filed within the time hereinabove specified and shall be served upon the commission by forwarding a copy thereof to its Portland office by registered mail. The commission shall, within five days thereafter, prepare a record of appeal which shall consist of a copy of the commission's charge against the licensee and its order refusing to renew, revoking or suspending the license, together with a transcript of the testimony taken at the hearing and the findings of the hearings officers thereon. The record of appeal shall be certified to by an officer of the commission as a true and correct copy of the original thereof and shall be filed in the court where such suit is pending. One additional copy of the record of appeal shall be served on the plaintiff. No injunction shall be issued against the commission pending the hearing. The court shall advance the cause on the calendar and hear it as early as possible. Costs shall be taxed in favor of the prevailing party as in civil actions.

(2) If the court decides upon the trial of the appeal that the commission abused its discretion in refusing to renew, suspending or revoking the license or permit, it shall enter a decree accordingly. A copy of the decree shall be transmitted forthwith by the clerk of the court to the commission, and the commission shall renew the license or cancel the suspension or revocation. [Amended by 1953 c.19 §2; 1957 c.220 §4]

471.327 Monetary penalty in addition to or in lieu of suspending license or certificate. The commission, in suspending any brewery license, wholesale wine license, wholesale malt beverage license, or certificate of approval, may further impose against the licensee or the holder of the certificate of approval a monetary penalty not to exceed $5,000, or, in its discretion, may impose such monetary penalty without suspending the license or the certificate of approval; provided further, that an appeal may be had pursuant to ORS 471.325 from the imposition of such monetary penalty. [1955 c.657 §7]

471.330 Examination of books and premises of licensees. The commission has the right at any time to make an examination of the books and premises of any licensee, or to check the alcoholic content of liquors carried by the licensee, for the purpose of determining whether this chapter

and the regulations of the commission are being complied with.

471.335 Importer's permits. (1) No wine shall be imported into this state unless the importer thereof first secures from the commission an importer's permit and satisfies the commission by sample or analysis that the wine to be imported conforms to the minimum standards of type, age, soundness and general quality fixed and determined by the laws of this state.

(2) The commission may require importers of alcoholic liquors containing 14 percent of alcohol or less by volume to secure a permit for each importation and may charge a reasonable fee for issuance of the permit.

(3) No alcoholic liquor shall be imported into this state by any person not holding a brewery, winery, distillery or wholesaler's license, except liquor in bailment to the commission, wines for sacramental purposes and liquors transported by common carriers for others pursuant to permit. [Amended by 1953 c.120 §6]

471.340 Release by commission needed to sell wine. No wine shall be sold or offered for sale within this state unless the importer or manufacturer thereof first secures a release from the commission authorizing its sale within the state. No release shall be issued by the commission until it is satisfied from a sample or analysis that the wine conforms in all respects to the minimum standards fixed and determined by the laws of this state. If the commission is satisfied that the minimum standards are being complied with, it may waive the necessity of release as to a particular lot or lots of wine. No wine which has been released for sale within this state shall thereafter be blended, rectified, adulterated or otherwise changed in any form from the type, standard and quality as released for sale by this state.

471.345 Seals on wine containers; improper labelling; injurious or adulterated ingredients. (1) No retail licensee shall purchase any wine for resale except in sealed containers, the seals of which shall remain unbroken when it is sold for consumption off the premises.

(2) The commission may refuse to sell, or may prohibit any licensee from selling, any brand of alcoholic liquor which in its judgment is deceptively labeled or branded as to content, or contains injurious or adulterated ingredients.

471.350 Distribution of license fee receipts; refunds. (1) All license fees collected by the commission shall be remitted to the State Treasurer who shall credit them to an unreceipted license fee account of the commission. When such fees become earned the commission may direct the State Treasurer to transfer such funds to a special license fee account. The commission shall distribute such money as follows:

(a) Sixty percent of all license fees collected from licensees whose place of business is in an incorporated city shall be paid to the treasurer of such city, and 60 percent of all license fees collected from licensees whose place of business is outside an incorporated city shall be paid to the county treasurer of the county in which such place of business is located.

(b) The balance of such fees shall be paid to and credited as revenue of the General Fund available for general governmental purposes.

(2) The commission shall compute on a calendar year basis the amount of the fees due to the various cities and counties on or before April 10 following the preceding calendar year.

(3) Whenever it appears to the commission than any license fee or deposit is properly refundable to any applicant, the commission is authorized and directed to refund the fee or deposit by check drawn upon the State Treasurer and charged to the unreceipted license fee account of the commission.

471.355 to 471.400 [Reserved for expansion]

PROHIBITIONS RELATING TO LIQUOR HANDLERS

471.405 Unlawfully buying or selling liquor. (1) No person shall peddle or deliver alcoholic liquor to or at any place, where, without a license, alcoholic liquor is sold or offered for sale. No licensee shall sell or offer for sale any alcoholic liquor in a manner, or to a person, other than his license permits him to sell.

(2) No person shall purchase, possess, transport or import, except for sacramental purposes, alcoholic liquor unless it is procured from or through the commission, ex-

cept as provided otherwise in the Liquor Control Act.

(3) No person not licensed under the Liquor Control Act shall sell, solicit, take orders for or peddle alcoholic liquor.

(4) Notwithstanding the provisions of subsection (2) of this section, an individual entering the state may have in his possession not to exceed one quart of alcoholic liquors.

(5) Upon conviction for unlawfully purchasing or importing into this state alcoholic liquor containing over 14 percent of alcohol by volume from any source except from or through the commission, or for unlawfully purchasing or importing into this state any alcoholic liquor containing 14 percent or less of alcohol by volume from any source except from or through the commission or its duly authorized licensees, the person convicted shall forfeit to the commission the alcoholic liquor so purchased or imported. The commission shall thereupon seize the forfeited liquor and it shall then become the commission's property. [Amended by 1953 c.120 §6]

471.410 Sale or gift of liquor to minor or intoxicated person. No person shall sell alcoholic liquor to any person under the age of 21 years, to a person who is visibly intoxicated or to a person who has been interdicted. No person other than a parent, guardian, or other responsible relative, shall give any alcoholic liquor to any person under the age of 21 years. No person shall give any alcoholic liquor to a person visibly intoxicated or to a person under an order of interdiction.

471.415 Wholesaler financially aiding retailer. Except as permitted under ORS 471.465, no person holding a license to retail alcoholic liquor shall receive assistance financially, or in any other material manner, from a manufacturer or wholesaler of alcoholic liquor, or officer, agent, or employe thereof. [Amended by 1955 c.657 §10; 1957 c.297 §1]

471.420 Licensee contributing to political party or holding public office. No licensee under the Liquor Control Act or any dealer in, manufacturer or distiller of intoxicating liquor shall make any monetary contribution to any candidate for political office or to any political party or engage in any political activity on the licensed premises; provided, however, that nothing herein contained shall be construed to prevent any such licensee or his agent or officer of a corporation from being a candidate for or holding any public office or contributing to his own campaign for such public office. [Amended by 1959 c.399 §1]

471.425 Misrepresentations by licensee; having disorderly establishment. (1) No person shall make false representations or statements to the commission in order to induce or prevent action by the commission.

(2) No licensee of the commission shall maintain a noisy, lewd, disorderly or insanitary establishment or supply impure or otherwise deleterious alcoholic beverages.

(3) No licensee of the commission shall misrepresent to a customer or to the public any alcoholic liquor sold by such licensee.

471.430 Purchase or possession of liquor by minor or interdicted person. No person under an order of interdiction shall possess, purchase, or offer or attempt to purchase any alcoholic liquor. No person under the age of 21 years shall purchase, acquire or have in his or her possession alcoholic liquor in a manner other than provided for in the Liquor Control Act.

471.435 [Repealed by 1953 c.120 §6]

471.440 Illegally possessing mash or setting up distillery. (1) No mash, wort or wash fit for distillation or for the manufacture of spirituous alcoholic liquors, shall be made, fermented or possessed within this state by any person who does not at the time own a distillery license under the Liquor Control Act. This section does not prevent the possession of mash for the purpose of manufacturing wine or beer for home consumption as provided for in ORS 471.205.

(2) No distillery shall be set up or operated in this state for the purpose of manufacturing alcoholic liquor for beverage purposes except by a person duly licensed under the Liquor Control Act to operate a distillery. Any device or process which separates alcoholic spirits from any fermented substance shall be regarded as a distillery. A distillery is set up when the still is in position over a furnace, or is connected with a boiler, so that heat may be applied, although the worm or worm tank is not in position.

(3) The finding of any mash, wort, wash or distillery in any house, on any premises or within any inclosure, is prima facie evidence that it was made and fermented by,

or set up by, and the property of, the person who is in possession of such house, premises or inclosure.

471.445 Mixing liquors or selling liquor in misleading container. (1) No licensee shall use or allow the use of any mark or label on the container of alcoholic liquor which is kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such liquor.

(2) No licensee other than a winery licensee may mix or permit the mixing of any alcoholic liquor which he is authorized to sell with any other alcoholic liquor which he is not authorized by his license to sell.

471.450 Sale of liquor on election day. No person shall sell for consumption on the premises any alcoholic liquor during the time the polls are open on any day on which an election is held throughout the state.

471.452 Selling liquor at wholesale and retail prohibited. Excepting persons holding a farmer's winery license, no licensee of the commission shall sell or engage in the business of selling alcoholic liquors both at wholesale and retail.

471.455 Manufacturer or wholesaler having interest in retail licensee's business. Except as permitted under ORS 471.465:

(1) No manufacturer or wholesaler of any alcoholic liquor, and no officer, director or substantial stockholder of any corporate manufacturer or wholesaler of alcoholic liquor, shall have any right, title, lien, claim or interest, financial or otherwise, in, upon, or to the premises, equipment, business or merchandise of any licensee authorized to sell alcoholic liquors at retail.

(2) No licensee authorized to sell alcoholic liquor at wholesale shall have any right, title, lien, claim or interest, financial or otherwise, in, upon or to the premises, equipment, business or merchandise of any licensee authorized to sell alcoholic liquor at retail. [Amended by 1957 c.297 §2]

471.460 Retailer having interest in wholesale or manufacturing business. No licensed retailer of alcoholic liquor, and no officer or substantial stockholder of any corporate licensee, shall have any right, title, lien, claim or interest, financial or otherwise, in, upon or to the premises, equipment, business or merchandise of any manufacturer or wholesaler of alcoholic liquor.

471.465 Gifts to retailers by wholesaler or manufacturer. No manufacturer or wholesaler of alcoholic liquor, and no officer, director, substantial stockholder, agent or employe of any such manufacturer or wholesaler, shall, directly or indirectly, give, loan, furnish or supply, other than merchandise sold in the usual course of trade, to any licensee authorized to sell alcoholic liquors at retail:

(1) Any gratuities or rebates;

(2) Any finances, money or credit;

(3) Any fixtures, furniture or furnishings;

(4) Any equipment other than advertising and point of sale material and other items of nominal value supplied to all retail licensees without discrimination; or

(5) Any services other than the inspection of equipment, the inspection and rotation of stock, the building of displays and other services of nominal value incidental to merchandising in the usual course of business furnished to all retail licensees without discrimination. [Amended by 1955 c.657 §11; 1957 c.297 §3]

471.470 Acceptance by retailer of gift from wholesaler. Except as permitted under ORS 471.465, no licensee authorized to sell alcoholic liquors at retail shall accept any equipment, gratuities, rebates, money or property of any kind other than merchandise purchased in the usual course of trade from a licensee authorized to manufacture or sell alcoholic liquors at wholesale. [Amended by 1957 c.297 §4]

471.475 Mixing, storing or serving liquor without license. No person who owns, operates or conducts a private or public club or place and who is not in possession of a license issued by the commission permitting the mixing, storing and serving of alcoholic liquor at said premises, and no agent, servant or employe of such person, for a financial consideration by way of a charge for service, membership fee, admission fee, initiation fee, club dues, contributions, or other fee or charge, shall serve or permit to be served, or use or permit to be used, any room, place, bar, glasses, mixers, locker, storage place, chairs, tables, cash registers, music devices, furniture, furnishings, equipment or facilities, for the mixing, storing, serving or drinking of alcoholic liquor.

471.480 to 471.500 [Reserved for expansion]

LOCAL OPTION LAW

471.505 Filing petition for local option. Whenever a petition therefor, signed by not less than 10 percent of the registered voters of any county in the state, or of any incorporated city in any county in the state, is filed with the county clerk of such county, or the clerk or auditor of such city, as prescribed in ORS 471.515, the officer with whom the petition is filed shall order an election to be held at the time prescribed in ORS 471.515, and in the county or city mentioned in the petition, to determine whether or not the sale of alcoholic liquors of any of the various classes defined in ORS 471.530 shall be prohibited in such county or city. In determining whether the petition contains the requisite percentage of legal voters, the percentage shall be based on the number of registered voters in such counties or cities at the last preceding general election.

471.510 Sales not affected by local option laws. ORS 471.505 shall not prohibit the sale of pure alcohol for scientific or manufacturing purposes, or of wines to church officials for sacramental purposes, or of alcoholic stimulants where they have been prescribed by a regular practicing physician, dated and signed by him as provided by subsection (2) of ORS 471.270; nor shall it prevent any person residing in the county or city from ordering and having delivered to his home, for the personal use of himself and his family, alcoholic liquors purchased from the commission or from persons duly licensed to sell them under the Liquor Control Act.

471.515 Date of election; effective date of law; notice to electors; holding election. (1) Elections ordered under ORS 471.505 shall be held only upon regular November biennial election days.

(2) The petition therefor shall be filed with the county clerk or city clerk or auditor, not less than 60 days before the day of election. Where the petition is filed with a city clerk or auditor, he shall, within three days thereafter, mail to the county clerk of the county in which the petition is filed, a notice of the filing, giving the date thereof. The county clerk shall keep such notice in a convenient and separate file open for public inspection and shall post a copy of it in a public place.

(3) In each county or city that returns a majority vote for or against prohibition, as to any classes of alcoholic liquor, the law shall take effect on January 1 following the day of election.

(4) Elections provided for by this section shall be held at the regular voting places within the proposed limits, and by the judges and clerks of election appointed and qualified under the general election laws of the state.

471.520 Application of general election laws. The general election laws, so far as they are applicable, apply to all elections held under ORS 471.505 and 471.515. No person is qualified to vote at such election who is not qualified to vote at that election for the county or city officers in the district in which he proposes to vote.

471.525 Certification and recording of vote. The county clerk, or city clerk or auditor, upon canvass of the election returns, shall certify to the county court the vote for and against prohibition, whereupon the same shall be entered in the journal of the county court.

471.530 Form of petition. (1) The form of petition, if to prohibit only the sale of alcoholic liquors containing over 14 percent of alcohol by volume, shall be substantially as follows:

Petition for local option liquor election. We, the undersigned, legal voters of (here insert name of county or city), respectfully petition that on the____day of_____, 19__, an election be held to determine whether the sale of alcoholic liquors containing over 14 percent of alcohol by volume shall be prohibited in (name of county or city), and each for himself says: I have personally signed this petition and my residence, postoffice, voting precinct and date of signing are clearly written after my name. My residence (if in city, street and number, if any), postoffice, precinct and date of signing:

(Here follow 20 numbered lines for signatures.)

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(2) The form of petition, if to prohibit only the sale of alcoholic liquors containing over four percent of alcohol by weight, shall be substantially the same as prescribed in

subsection (1) of this section, except that the petition shall refer to alcoholic liquors containing over four percent of alcohol by weight.

(3) The form of petition, if to prohibit the sale of all alcoholic liquors, shall be substantially the same as prescribed in subsection (1) of this section, except that the petition shall refer to all alcoholic liquors. [Amended by 1957 c.231 §1]

471.535 Number of signatures per sheet; circulator's affidavit. If any sheet filed with the petition contains more than 20 names, none of the names on such sheet shall be counted. Each sheet shall be signed at the bottom thereof with the name, address and street and house number, if any, of the circulator thereof, who shall append to each sheet his affidavit in the following form:

State of Oregon, }
County of....., } ss.

I, ..., being first duly sworn, say that every person who signed this sheet of the foregoing petition, signed his or her name thereto in my presence; I believe that each has stated his or her name, postoffice address and residence correctly, and that each signer is a legal voter of the State of Oregon and County of.....

Signature of circulator of this sheet of petition .....

Postoffice address of circulator of this sheet of petition, with street and number, if in a city or town.....

Subscribed and sworn to before me this ..... day of ....., A.D. 19.....

Notary Public for Oregon.....

Postoffice address of notary, including street and number if in a city or town .....

My commission expires:.....

471.540 Miscellaneous provisions relating to petition. (1) No signature is valid unless signed within 180 days prior to the filing of the petition, which must affirmatively appear upon the petition. When the petition has been filed it shall not be withdrawn, or any name thereof, nor any names added thereto. It shall be a public document subject to inspection by the public.

(2) The sheets upon which the signatures appear shall be fastened together into one petition and filed as a whole. Upon receipt of the petition, the county clerk, or city clerk or auditor, shall immediately file it and thereupon compare the signatures of electors signing it with their signatures on the registration books of the election then pending; or if none is pending, then with the signatures on the registration books and blanks on file in his office for the preceding general election. If the requisite number of qualified electors has signed the petition, and it has been filed as provided for in ORS 471.505 to 471.540, it shall go upon the ballot as provided in ORS 471.555.

471.545 Form of election notice. At least 20 days prior to any election ordered under ORS 471.505, the county clerk, or city clerk or auditor, shall deliver to the sheriff of the county at least three notices of the election at every election board in each county or city voting on the election. The notices shall be substantially in the following form:

LIQUOR ELECTION NOTICE

Notice is hereby given that on the ..... day of ....., 19...., in precinct ....., in the County of ....., an election will be held from (here insert the hours in which the general election is held) to determine whether the sale of (a) all alcoholic liquors; or (b) alcoholic liquors containing over 14 percent of alcohol by volume; or (c) alcoholic liquors containing over four percent of alcohol by weight, for beverage purposes, shall be prohibited in (here insert the name of the county or city, to comply with the petitions duly filed).

Dated this ..... day of ....., 19.....

.....

County clerk of .....County, Oregon, or city clerk or auditor of.....

471.550 Posting of notices; recording compliance with statutes. The sheriff, at least 12 days before any election ordered under ORS 471.505, shall post the notices provided for in ORS 471.545 in such places in the vicinity of the polling places. Thereupon the county clerk, or city clerk or auditor, and the sheriff, shall each enter of record their compliance with the provisions of ORS 471.545 and this section, and such record shall be prima facie evidence that all such provisions have been complied with.

471.555 [Repealed by 1957 c.231 §2 (ORS 471.556 enacted in lieu of ORS 471.555)]

471.556 Form of ballot. Before the election ordered under ORS 471.505 is held, the county clerk shall arrange the ballots and shall have them printed in one of the following forms, with the proper number as prescribed by ORS 254.090 to 254.104 in the space on the left margin:

(1) If the election is upon the prohibition of the sale of alcoholic liquor containing more than 14 percent of alcohol by volume, the ballot shall be in the following form:

PROHIBITING THE SALE OF ALCOHOLIC LIQUOR CONTAINING MORE THAN 14 PERCENT OF ALCOHOL BY VOLUME—Purpose: To prohibit within the limits of (name the city or county) the sale of alcoholic liquor containing more than 14 percent of alcohol by volume for beverage purposes.	YES ☐ NO ☐

(2) If the election is upon the prohibition of the sale of alcoholic liquor containing more than four percent of alcohol by weight, the ballot shall be in the following form:

PROHIBITING THE SALE OF ALCOHOLIC LIQUOR CONTAINING MORE THAN FOUR PERCENT OF ALCOHOL BY WEIGHT—Purpose: To prohibit within the limits of (name the city or county) the sale of alcoholic liquor containing more than four percent of alcohol by weight for beverage purposes.	YES ☐ NO ☐

(3) If the election is upon the prohibition of the sale of all alcoholic liquor, the ballot shall be in the following form:

PROHIBITING THE SALE OF ALL ALCOHOLIC LIQUOR—Purpose: To prohibit within the limits of (name the city or county) the sale of any alcoholic liquor containing more than one-half of one percent of alcohol by volume for beverage purposes.	YES ☐ NO ☐

[1957 c.231 §3 (enacted in lieu of ORS 471.555)]

471.560 Furnishing ballots to precincts. The county clerk, or city clerk or auditor, shall furnish each precinct voting on the question as set out pursuant to ORS 471.556, official and sample ballots equal in number to that required at general elections by the general election laws of the state and in the manner therein required.

471.565 to 471.600 [Reserved for expansion]

ENFORCEMENT OF LIQUOR LAWS

471.605 Duty of officers to enforce and to inform district attorney. The state police, sheriffs, constables and all police officers within the State of Oregon shall enforce all provisions of the Liquor Control Act and assist the commission in detecting violations of that statute and apprehending offenders. Each such enforcing officer having notice, knowledge or reasonable ground of suspicion of any violation of that statute shall immediately notify the district attorney, and furnish him with names and addresses of any witnesses, or other information within the officer's knowledge, of such violation.

471.610 Confiscation of liquor and property by commission. Whenever any officer arrests any person for violation of the Liquor Control Act, he shall take into his possession all alcoholic liquor and other property which the person so arrested has in his possession, or on his premises, which is apparently being used in violation of that statute. If the person so arrested is convicted, and it is found that the liquor and other property has been used in violation of the law, the same shall be forfeited to the commission, and shall be delivered by the court or officer to the commission. The commission is authorized to destroy or make such other disposition thereof as it considers to be in the public interest. In any such case, all alcoholic liquor purchased or acquired from any source, and all property, including bars, glasses, mixers, lockers, chairs, tables, cash registers, music devices, gambling devices, furniture, furnishings, equipment and facilities for the mixing, storing, serving or drinking of alcoholic liquor shall be confiscated and forfeited to the commission in the manner provided in this section.

471.615 Duty to notify commission of conviction of licensee. The county courts, district attorneys and municipal authorities,

immediately upon the conviction of any licensee of the commission of a violation of any provision of the Liquor Control Act or the violation of any other law of this state or ordinance of any municipality therein, in which violation alcoholic liquor had any part, shall notify the commission thereof. Such officials shall notify the commission of any acts, practices or other conduct of any such licensee which may be subversive of the general welfare or contrary to the spirit of the Liquor Control Act and shall recommend such action on the part of the commission as will remove the evil.

471.620 Property and places as common nuisances. Any room, house, building, boat, structure or place of any kind where alcoholic liquor is sold, manufactured, bartered or given away in violation of the law, or where persons are permitted to resort for the purpose of drinking alcoholic beverages in violation of the law, or any place where such beverages are kept for sale, barter or gift in violation of the law, and all liquor or property subject to confiscation under ORS 471.610 kept and used in such place is a common nuisance. Any person who maintains or assists in maintaining such common nuisance or knowingly suffers or permits such nuisance to exist in any place of which he is the owner, manager or lessor, shall be guilty of a violation of the Liquor Control Act.

471.625 Lien on place used to unlawfully handle liquor. If it is proved that the owner of any building or premises knowingly has suffered the same to be used or occupied for the manufacture, sale or possession of alcoholic beverages, contrary to the provisions of the Liquor Control Act, such building or premises are subject to a lien for, and may be sold to pay all fines and costs assessed against their occupants for any violation of that statute. The lien shall be enforced immediately by civil action in any court having jurisdiction, by the district attorney of the county wherein the building or premises are located.

471.630 Authority to abate nuisance. The Attorney General, the commission or its administrators, or the district attorney of the county wherein a nuisance as defined in ORS 471.620 exists, or where it has existed but has temporarily ceased and there is good and sufficient cause to believe that it will be maintained in the future, may institute a suit in equity in the circuit court for such county in the name of the state to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The plaintiff shall not be required to give bond in such suit.

471.635 Issuance of restraining order. (1) After a suit is commenced under ORS 471.630, application for a temporary injunction may be made to the court, which shall grant a hearing thereon within 10 days. Where such application has been made, the court, on application of the plaintiff, may issue an ex parte order restraining the defendants and all other persons from removing or in any manner interfering with the personal property and the contents of the room, house, building, boat, structure or place of any kind where the nuisance is alleged to exist, until the decision of the court granting or refusing such temporary injunction and until the further order of the court.

(2) This section and ORS 471.640 to 471.655 shall not interfere with the duties of officers as provided in ORS 471.605 and 471.610.

471.640 Service of restraining order. The restraining order may be served by delivering a copy to any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place. The officer serving the order may enter such place and forthwith shall make and return to the court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance. Any violation, of the order or mutilation or removal of the order so posted shall be a contempt of court, if the posted order contains a notice to that effect.

471.645 Temporary injunction. If a temporary injunction is granted, the court may issue further restraining orders as described in ORS 471.635; and forthwith may issue an order closing such place against its use for any purpose until the final decision, or the court may allow such place to be occupied or used during the pendency of the injunction proceedings by requiring the defendants to furnish bond with sufficient surety, to be approved by the court, in the penal sum of not less than $2,500, payable to the state. The bond shall be conditioned that alcoholic

liquor will not be manufactured, possessed, sold, served, bartered, or given away, or furnished, or otherwise disposed of thereon or therein, or kept thereon or therein with the intent to sell, barter, serve, or give away, or otherwise dispose of alcoholic liquor contrary to law, and that the defendants will pay all fines, costs and damages assessed against them for any violation of such conditions. The State of Oregon in an action brought by the Attorney General, the commission or its administrators, or the district attorney, may take whatever steps necessary to recover the whole amount as a penalty for the use of the county wherein the premises are situated.

471.650 Nature of permanent injunction. If a final decree against the defendants is granted, the court shall order that the place constituting the nuisance be closed for a period not exceeding two years, or closed for a part of said time, and until the owner, lessee, tenant or occupant thereof gives a bond identical to the bond required under ORS 471.645. If any condition of the bond is violated, the whole amount may be recovered as a penalty for the use of the county wherein the premises are situated. In any such suit process to nonresident defendants may be served by publication in a newspaper of general circulation in the county having jurisdiction of the injunction proceedings. Notice shall be published once each week for two consecutive weeks or for such time as the court, by order, may prescribe.

471.655 Owner may defend; evidence concerning nuisance. (1) The owner of any property closed or restrained, or to be closed or restrained, may appear at any time between the filing of the complaint and the trial and show cause why the court should cancel or refrain from issuing any decree orders as against him. In order to obtain such relief, he must prove to the satisfaction of the court that he is the lawful owner of the property and, further, that with reasonable care and diligence he could not have known of the illegal use of his property.

(2) Evidence of the general reputation of the premises upon which a nuisance is alleged to exist is admissible in evidence for the purpose of proving the existence of the nuisance, and of knowledge of, and of acquiescence and participation therein, on the part of persons charged with maintaining or assisting in the maintenance of a nuisance.

471.657 Confiscation and forfeiture for violation of ORS 471.475. Upon conviction for violation of ORS 471.475, the premises upon which the violation has occurred shall be declared to be a common nuisance and subject to abatement proceedings as provided by ORS 471.605 to 471.655. Any person who knowingly suffers or permits such nuisance to exist or be kept or maintained in a private or public club or place of which he is the owner, manager or lessor, may be a party defendant to such abatement proceedings. In any such case, upon conviction, all alcoholic liquor, whether purchased or acquired from any other source, and all property, including bars, glasses, mixers, lockers, chairs, tables, cash registers, music devices, gambling devices, and all facilities for the mixing, storing, serving or drinking of alcoholic liquor shall be declared to be a common nuisance and shall be subject to confiscation and forfeiture as provided for by ORS 471.610. No claim of ownership or of any right, title, or interest in or to any of the personal property enumerated in this section or ORS 471.475 shall be held valid unless claimant shows to the satisfaction of the court that he is in good faith the owner of the claim and had no knowledge that the personal property was used in violation of ORS 471.475.

471.660 Seizure of conveyance transporting liquor. When any sheriff, constable, police officer or any officer of the law discovers any person in the act of transporting alcoholic liquors in violation of law, in or upon any wagon, buggy, automobile, water or aircraft, or other vehicle, or conveyance of any kind, he shall seize any and all alcoholic liquor found therein, take possession of the vehicle or conveyance and arrest any person in charge thereof. Such officer shall at once proceed against the person arrested, under the Liquor Control Act, in any court having competent jurisdiction, and shall deliver the vehicle or conveyance to the sheriff of the county in which such seizure was made. The vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties in a sum double the value of the property, approved by the sheriff and conditioned to return the property to the custody of the sheriff on the day of trial.

471.665 Disposal of conveyance transporting liquor. (1) The court, upon conviction of the person arrested under ORS 471.660, shall order the alcoholic liquor delivered to the commission, and, unless good cause to the contrary is shown by the owner, shall order a sale at public auction by the sheriff of the county of the property seized. The sheriff, after deducting the expense of keeping the property and the cost of sale, shall pay all the liens, according to their priorities, which are established by intervention or otherwise at such hearing or in other proceedings brought for that purpose, and shall pay the balance of the proceeds into the general fund of the county. No claim of ownership or of any right, title or interest in or to such vehicle shall be held valid unless the claimant shows to the satisfaction of the court that he is in good faith the owner of the claim and had no knowledge that the vehicle was used or to be used in violation of law. All liens against property sold under this section shall be transferred from the property to the proceeds of the sale.

(2) If no person claims the vehicle or conveyance, the taking of the same and the description thereof shall be advertised in some daily newspaper published in the city or county where taken, or if no daily newspaper is published in such city or county, in a newspaper having weekly circulation in the city or county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and shall likewise notify by mail the legal owner, in the case of an automobile, if licensed by the State of Oregon, as shown by his name and address in the records of the Department of Motor Vehicles. If no claimant appears within 10 days after the last publication of the advertisement, the property shall be sold and the proceeds, after deducting the expenses and costs, shall be paid into the general fund of the county.

471.670 Disposal of funds collected in enforcement of liquor laws; payment of enforcement expenses. (1) Except as provided in subsection (2) of this section, all fines imposed by any judge, magistrate or court in the enforcement of the Liquor Control Act shall be forwarded immediately to the county treasurer of the county in which such conviction is had. The county treasurer shall keep the same in a separate fund designated as an enforcement fund. All warrants for any expenditures in the enforcement of that statute, which have been approved by the district attorney of said county, shall be drawn on this fund. All claims shall be verified by the claimants or persons having knowledge or supervision of the expenditures and shall be audited by the county court in the usual manner before presentation for payment thereof. When the enforcement fund exceeds the amount paid to satisfy the total of all claims made against it during the preceding calendar year, the excess amount shall be paid to the general fund of such county by the county treasurer on June 30 and December 31 of each year.

(2) Any fine imposed or collected by a police or municipal judge or recorder of any city may be retained by the municipality and shall be paid over and become a part of the city's general fund.

471.675 Resisting arrest or hindering enforcement. No person shall forcibly resist lawful arrest or interfere with or hinder any officer or inspector authorized by the commission, or other competent authority, in the investigation of any infringement of the Liquor Control Act, or in the making of any lawful search, examination, or seizure in the performance of his duties to that end.

471.680 Allegation and proof in prosecutions. In any prosecution for the sale of alcoholic liquor it is not necessary to prove the exact variety, or to mention the quantity of alcoholic liquor sold, except in the case where the variety or quantity is essential to establish the offense. As regards quantity it is sufficient to allege the sale of a quantity, the sale of which quantity is unlawful. The description of any offense, alleged to be a violation of the Liquor Control Act, in the words of that statute or in any words of like effect, is sufficient in law. Any exceptions, exemptions, provisions, excuse or qualification may be proved by the defendant, but need not be specified or negatived in the complaint, information or indictment. If it is so specified or negatived, no proof in relation to the matter so specified or negatived is required on the part of the plaintiff, informant or complainant.

471.685 to 471.700 [Reserved for expansion]

ORGANIZATION, POWERS AND DUTIES OF LIQUOR COMMISSION

471.705 Composition of commission; qualifications and term of commissioners. (1) There is created the Oregon Liquor Control

Commission, consisting of three persons appointed by the Governor. Not more than two commissioners shall be of the same political party and one shall be designated by the Governor to be chairman of the commission. The commissioners shall receive their actual expenses and $10 a day while engaged in the performance of their duties. Not more than one commissioner shall be appointed from and have residence in any congressional district in this state. Each commissioner at the time of his appointment and qualification shall be a resident of this state and shall have resided in this state for at least five years next preceding his appointment and qualification. He shall be a qualified voter therein and not less than 30 years of age.

(2) The term of office of a commissioner shall be six years from the time of his appointment and qualification and until his successor qualifies. In case any commissioner is allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in the commission shall be filled by the Governor for the unexpired term. Each commissioner is eligible for reappointment.

471.710 Removal of commissioner; ineligibility as commissioner or as appointee or employe of commission. (1) The Governor may remove any commisioner for inefficiency, neglect of duty, or misconduct in office, giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel, in his own defense, upon not less than 10 days' notice. If such commissioner is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner, his findings thereon, and a complete record of the proceedings.

(2) A person is not eligible to hold the office of commissioner, or to be appointed by the commission or hold any office or position under the commission if he has any connection with any person engaged in or conducting any alcoholic liquor business of any kind, holds stock or bonds therein, has any pecuniary interest therein, or receives any commission or profit from or has any interest in the purchases or sales made by the commission or by persons authorized by virtue of the Liquor Control Act to manufacture, purchase or sell any alcoholic liquors.

471.715 Meetings of commission; bonds required. (1) The principal office of the commission shall be in the city of Salem.

(2) Each member of the commission shall give a good and sufficient bond to the state for $5,000, conditioned upon the faithful performance of the duties of his office. The bond shall be approved by the Governor and Attorney General, and the premium paid from the fund described in ORS 471.805.

(3) The commission shall meet at such times and places within this state as it determines and the members thereof are entitled to their reasonable expenses for each meeting attended. A majority of the commissioners constitutes a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission.

471.720 Administrator and other employes; annual report by commission. (1) The commission shall appoint an administrator, who shall serve at its pleasure; and all other officers, attorneys, clerks, stenographers, inspectors, auditors, chemists, experts and employes as may be necessary. The administrator shall act as manager, secretary and custodian of the records of the commission, unless it otherwise orders, and perform such other duties as the commission may prescribe.

(2) The commission shall make an annual report to the Governor covering the business of the commission for its fiscal year ending June 30, which shall include a statement of receipts and disbursements and any additional information which the commission deems of value.

(3) The administrator shall devote his entire time to said office, and shall give bond for the faithful performance of his duties in such form as the commission may approve and in an amount not less than $25,000.

(4) The commission may fix the duties, salaries and wages of its employes, require such bonds from them as it deems advisable and pay the premiums thereon. Any employe of the commission who engages in promoting or opposing the candidacy of any person for a public office, or in promoting or opposing any measure to be voted on by the people, shall immediately be dismissed.

471.725 Buying, leasing, contracting and borrowing powers of commission. The function, duties and powers of the commission include the following:

(1) To buy, have in its possession, bottle, blend, rectify, transport and sell, for present or future delivery, in its own name, alcoholic liquor in the manner set forth in this chapter.

(2) To purchase, acquire, rent, lease or occupy any building, rooms, stores or land and acquire, own, lease and sell equipment and fixtures required for its operations.

(3) To lease or sublet to others property which it acquires or owns and which is not immediately required for its operations. However, no real property shall be purchased without the consent and approval of the Board of Control.

(4) To borrow money, guarantee the payment thereof and of the interest thereon, by the transfer or pledge of goods or in any other manner required or permitted by law.

(5) To issue, sign, indorse and accept checks, promissory notes, bills of exchange and other negotiable instruments.

(6) In the event the United States Government provides any plan or method whereby the taxes upon alcoholic liquors are collected at the source, to enter into any and all contracts and comply with all regulations, even to the extent of partially or wholly abrogating any statutory provisions which might be in conflict with federal law or regulations, to the end that the commission receives the portion thereof allocated to this state, to be distributed as provided by statute.

(7) To secure and pay for such policies of insurance as may be necessary to adequately protect it from loss by fire, theft or other casualty.

471.730 Regulatory powers of commission. The function, duties and powers of the commission include the following:

(1) To control the manufacture, possession, sale, purchase, transportation, importation and delivery of alcoholic liquor in accordance with the provisions of this chapter.

(2) To grant, refuse, suspend or cancel licenses and permits for the sale or manufacture of alcoholic liquor, or other licenses and permits in regard thereto, and to permit, in its discretion, the transfer of a license of any person.

(3) To collect the taxes and duties imposed by statutes relating to alcoholic liquors, and to issue, and provide for cancelation, stamps and other devices as evidence of payment of such taxes or duties.

(4) To investigate and aid in the prosecution of every violation of statutes relating to alcoholic liquors, to seize alcoholic liquor manufactured, sold, kept, imported or transported in contravention of this chapter, and apply for the confiscation thereof, whenever required by statute, and cooperate in the prosecution of offenders before any court of competent jurisdiction.

(5) To adopt such regulations as are necessary and feasible for carrying out the provisions of this chapter and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.

(6) To exercise all powers incidental, convenient or necesary to enable it to administer or carry out any of the provisions of this chapter.

(7) To control, regulate and prohibit any advertising by manufacturers, wholesalers or retailers of alcoholic liquor by the medium of newspapers, letters, billboards, radio or otherwise.

(8) To sell, license, regulate and control the use of alcohol for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes, and to provide by regulation for the sale thereof for such uses.

471.735 Testing and seizure of wines. The commission shall have the power to investigate by sample or chemical analysis, the quality of all wines manufactured, imported, sold or offered for sale within this state, and to seize, confiscate and destroy all wines sold or offered for sale within this state which do not conform in all respects to the minimum standards provided for by the laws of this state.

471.740 Commission's exclusive right to handle certain liquors; exceptions. Except as authority may be conferred by license issued by the commission, the exclusive right to purchase, sell, have in possession for sale, import or transport, except for sacramental purposes and not for sale, spirituous liquor or any alcoholic liquor containing over 14 percent of alcohol by volume is vested in the commission. Such liquor shall be sold only by the commission or its duly authorized and regularly employed agent or representative. It shall be delivered to the purchaser personally. All other alcoholic liquors

containing not over 14 percent of alcohol by volume, may be manufactured, sold, possessed, distributed, imported or transported, as provided by this chapter and not otherwise. [Amended by 1953 c.120 §6]

471.745 Commission's power to fix prices and sell liquor. The commission shall fix the prices at which alcoholic liquors containing over four percent alcohol by weight may be purchased from it, and has power to bottle, blend, rectify, manufacture or sell alcoholic liquors for itself, or for or to any person or commission within or without this state.

471.750 Liquor stores and warehouses; operation; sales; advertising. The commission shall establish such stores and warehouses in such places in the state as in its judgment are required by public convenience or necessity, for the sale of spirituous liquors, wines and other alcoholic liquors containing over four percent of alcohol by weight, in sealed containers for consumption off the premises. It shall keep on hand in such stores or warehouses such quantities and kinds of alcoholic liquors as are reasonably required to supply the public demand. Any person qualified to purchase such liquors from the commission has the right to present to the commission, or at any of its stores, an application for any kind or brand of alcoholic liquor which he may desire and which may be manufactured or obtainable in any place in the United States, and the commission shall obtain such liquor and sell it to the applicant. No such store shall be established in any county or incorporated city of this state where a local prohibitory law is in effect. The stores shall be closed on Sundays, legal holidays and on state or national election days. The advertising of the sale of liquors by the commission or window display in its stores are prohibited, except that the commission may provide for appropriate signs on windows or front denoting the fact that it is a store of the commission, and may post within the store appropriate price lists. The commission may employ agents in the sale of said liquor, upon such stipulated salary as the commission may fix but not on a percentage or commission basis, and under such regulations as it may prescribe.

471.755 Effective date and publication of commission's regulations. Every regulation adopted by the commission shall become effective on the tenth day after the date of its adoption. Immediately upon adoption it shall be posted for six successive days in a prominent place in the principal office of the commission and at each of its stores, and mailed to the county clerk of each county in the state for filing. The certificate of the administrator as to the adoption of any regulation by the commission is conclusive evidence thereof.

471.760 Commission's power to subpena, administer oaths and take depositions. Each member of the commission, or any of its authorized agents, shall, for the purposes contemplated by this chapter, have power to issue subpenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within or without this state, as provided by law, and compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony. [Amended by 1953 c.101 §2]

471.765 Procedure when person refuses to testify or produce books. If a person in attendance before the commission or a commissioner refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper when ordered so to do by the commission, the commission may apply to the judge of the circuit court of any county where such person is in attendance, upon proof by affidavit of the fact, for a rule or order returnable in not less than two nor more than five days, directing such person to show cause before the judge who made the order, or any other judge of such county, why he should not be punished for contempt. Upon the return of such order, the judge shall examine such person under oath and he shall be given an opportunity to be heard. If the judge determines that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender for contempt of court.

471.770 Self-incrimination as a basis for refusing to testify or produce books. No person shall be excused from testifying or from producing any books, papers or documents in any investigation or inquiry by or upon any hearing before the commission or any commissioner when ordered so to do by the commission or any of its authorized agents,

upon the ground that the testimony, evidence, books, papers or documents required of him may tend to incriminate him or subject him to penalty or forfeiture. No person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have, by order of the commission, or a commissioner, or any of its authorized agents, testified to or produced documentary evidence of; but no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. [Amended by 1953 c.101 §2]

471.775 Service of subpenas, payment of witnesses and authority of inspectors. (1) Subpenas shall be served and witness fees and mileage paid as in civil cases in the circuit court in the county to which the witness is called. The commission shall, at the request of any person, issue subpenas compelling the attendance of witnesses on behalf of such person.

(2) Inspectors and investigators employed by the commission shall have all the authority given by statute to peace officers of this state, including authority to serve and execute warrants of arrest and warrants of search and seizure. [Amended by 1953 c.101 §2]

471.780 Issuance of purchase orders; preservation of records. Every order given by the commission for alcoholic liquor must bear the signature of two of its members. A duplicate of every order shall be kept at the head office of the commission. All purchase orders, sales slips, permits and other records of the commission shall be preserved until audited by the state auditors. Thereafter they may be destroyed by order of the commission with the consent and approval of the State Auditor. [Amended by 1953 c.13 §2]

471.785 Records of commission open to public. Except as provided in ORS 471.105, and Acts supplementary thereof, the regular monthly, quarterly and annual reports issued by the commission, including its financial statements, its sales of liquor by brands and companies, its purchase orders and contracts of purchase of alcoholic liquors, its warehouse inventory reports and all its minutes, are public writings subject to inspection as provided in ORS 192.030 and Acts supplementary thereof. The commission shall post a notice of each regular meeting at least three days before the meeting on the bulletin board of its Portland office and all such meetings are open to the public.

471.790 Commissioners not liable for official acts; commission funds entitled to priority. No member of the commission may be sued for doing or omitting to do any act in the performance of his duties as prescribed in the Liquor Control Act. No member of the commission personally shall be liable for any loss caused by the default or failure of the depository of funds of the commission. All funds of the commission deposited in any bank or trust company are entitled to priority of payment as public funds of the state, if the commission funds are only kept in depositories designated by the State Treasurer and under security of the same character required by law for depositories of state funds.

471.795 Purchase and use of liquor by member or employe of commission. No provision of the Liquor Control Act prevents any member or employe of the commission from purchasing and keeping in his possession, for the personal use of himself or members of his family, any alcoholic liquor in the same manner as it may be purchased or kept by any other person under that statute.

471.800 Restrictions on out-of-state wine; imposition. If by the laws of another state or by the rules and regulations of any administrative body or authorized agency thereof or therein, market restrictions are imposed that prevent or tend to prevent the sale of wine manufactured in Oregon in free and unrestricted competition with like kinds of wine manufactured in such other state, the commission is authorized and directed to impose similar restrictions in Oregon upon such wine manufactured in such other state and offered for sale in Oregon.

471.805 Disposal of money collected by commission; revolving fund. (1) All money collected by the commission, with the exception of license fees, privilege taxes and that portion of purchaser's permit fees that are to be distributed to cities pursuant to the provisions of ORS 471.110 shall be remitted to the State Treasurer who shall deposit it in the General Fund to the credit of the Oregon Liquor Control Commission Account. The commission may withhold such

sum, not to exceed $125,000, as it considers necessary as a revolving fund for a working cash balance for the purpose of paying travel expenses, advances, other miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation.

(2) All necessary expenditures of the commission incurred in carrying out the purposes and provisions required of the commission by law, including the salaries of its employes and purchases made by the commission, shall be audited and paid from the General Fund, upon warrants drawn by the Secretary of State, pursuant to claims theretofore duly approved by the commission.

(3) Money produced by the operation of the Liquor Control Act necessary to pay such expenditures hereby is appropriated from the General Fund for such purposes. [Amended by 1955 c.26 §1]

471.810 Disposal of proceeds not needed to pay expenses. (1) After payment of all expenditures listed in ORS 471.805, the balance of the money remaining to the credit of the Oregon Liquor Control Commission Account in excess of $125,000, plus such additional amount as the commission may certify to be necessary to pay its outstanding obligations at the end of each quarter year, shall be credited 90 percent thereof to the General Fund available for general governmental purposes, and 10 percent to be distributed to the incorporated cities of the state in accordance with the formula and in the same manner as provided in ORS 471.110. Out of the 10 percent to be distributed to cities at the end of each calendar quarter, the sum of $4,000 shall be paid quarterly into the State Treasury and credited to the State Census Account. However, when such $4,000 payment would cause the State Census Account to exceed $20,000 as shown by the records of the Secretary of State, such quarterly payments shall be equal to the difference between the amount in the account at the time of payment and $20,000.

(2) Any city that has by election determined to prohibit the sale of malt or other alcoholic liquor is not entitled to and shall not participate in what would otherwise be its proportionate share of the funds herein described, so long as such prohibition is in force. [Amended by 1955 c.475 §11; 1957 c.222 §1; 1957 c.445 §1]

471.815 Duties of temperance and rehabilitation division. The temperance and rehabilitation division hereby established under the commission shall carry out the policy of the state with respect to the administration of the Liquor Control Act stated in subsection (1) of ORS 471.030. In furtherance of this duty the division shall take such means as it deems most effective to bring to the attention of the general public, and particularly to the youth of the state in the schools, places of recreation and homes, the evil and harmful effects of overindulgence in, and excessive consumption of, alcoholic beverages.

471.820 Power to establish clinic and hire personnel. (1) The temperance and rehabilitation division is authorized to continue, maintain and operate a rehabilitation clinic and agency for the treatment of persons addicted to the excessive use of alcoholic beverages. A reasonable charge may be made for such treatment to persons financially able to pay a charge.

(2) The division is authorized, with the approval of the commission, to employ the assistants, clerical, technical or otherwise, necessary in carrying out the purposes of this section and ORS 471.815.

471.825 Membership of temperance division; reimbursement for expenses. The duties and functions of the temperance and rehabilitation division shall be performed by its five members who shall be appointed by the Governor and who shall serve until removed by the Governor. The members of such division shall serve without compensation but may be reimbursed for their actual necessary expenses incurred in performing their duties delegated in ORS 471.815 and 471.820.

471.830 Commission may include temperance division in budget. The commission is authorized to include in its biennial budget a sum of money estimated to be sufficient to defray the expenses of the temperance and rehabilitation division, and to the extent that the budget is approved as provided by law, to provide such sum to the division as an administrative cost in the administration of the Liquor Control Act.

471.835 to 471.985 [Reserved for expansion]

PENALTIES

471.990 Penalties. (1) (a) Except where other punishment is specifically provided for, violation of any provision of the Liquor

Control Act or of ORS 471.475 is punishable upon conviction by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or both. A second or subsequent violation of any kind of said provisions not otherwise specifically provided for is punishable upon conviction by a fine of not more than $1,000, or by imprisonment in the county jail for not more than one year, or both.

(b) A second or subsequent violation of subsection (1), (2) or (3) of ORS 471.405, ORS 471.420, 471.475, or that part of ORS 471.620 relating to persons maintaining or assisting in maintaining a common nuisance is punishable upon conviction by a fine of not less than $500 and not more than $1,000, and by imprisonment in the county jail for not less than six months and not more than one year.

(c) Except as otherwise specifically provided by statute, all police or municipal judges or recorders of any city, justices of the peace and district or circuit judges of the county or circuit court have concurrent jurisdiction of all violations punishable under the provisions of the Liquor Control Act, committed within their respective city, county or district.

(2) Violation of subsection (1) of ORS 471.335, ORS 471.340, subsection (1) of ORS 471.345, ORS 471.450, 471.452 to 471.470 or 471.800, is punishable upon conviction by a fine not to exceed $500, or by imprisonment in the county jail not to exceed six months, or both.

(3) Violation of ORS 471.130 or 471.135 is punishable upon conviction by a fine of not more than $250, or confinement in the county jail for not more than three months, or both.

(4) Violation of ORS 471.440 is punishable upon conviction by imprisonment in the county jail for not more than one year, or by a fine of not more than $1,000, or both. A second or subsequent violation of ORS 471.440 is punishable upon conviction by imprisonment in the penitentiary for not more than three years, and by a fine of not more than $3,000.

(5) Violation of any regulation promulgated under subsection (5) of ORS 471.730 is punishable upon conviction by a fine of not more than $200, or by imprisonment in the county jail for not more than three months, or both. [Amended by 1953 c.120 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel