845-009-0005
Return of Applications

The Commission may return consider an application and any accompanying fee incomplete if:
(1) Any of the following information is missing or illegible:
   (a) Applicant's name;
   (b) Applicant's mailing address;
   (c) Applicant's Social Security Number;
   (d) Applicant's date of birth;
   (e) Applicant's signature;
   (f) Applicant's response to conviction history questions; or
   (g) Applicant's proof of completion of an alcohol server education course.
   (g) Authorized Person's business name;
   (h) Authorized Person's business address; or
   (i) Authorized Person's signature.
(2) The applicant has not included at least the appropriate fee(s) with the application.
(3) The applicant used an outdated application form.
(4) The applicant is under 18 years of age.
(5) The applicant is under 21 years of age, but applying for a service permit at licensed premises where service permittees must be at least 21 years of age.
(6) The applicant has not provided valid identification. Valid identification for the purpose of obtaining a service permit is limited to a state issued driver's license, state issued identification card or a passport. For purposes of this rule, "state issued" is defined as one of the fifty states in the United States of America.

Stat. Auth.: ORS 471, ORS 471.030, 471.730(1) & (5)
Stats. Implemented: ORS 471.375

845-009-0010
Service Permit Requirements

(1) Who Needs a Service Permit. ORS 471.360 requires a valid service permit for any person employed by a licensee who performs the following duties:
   (a) Mixes, sells or serves alcoholic beverages for consumption on licensed premises;
   (b) Dispenses malt beverages, wines or cider into securely covered containers provided by the consumer;
(c) Directly supervises persons described in subsection (a) of this rule; or
(d) The individual principals of a licensed legal entity who perform the duties described
in subsections (a), (b) or (c) of this rule.
(2) Exceptions. The following persons are not required to have a valid service permit:
(a) An individual named on the license as a licensee;
(b) ORS 471.360(2) allows the Commission to waive the service permit requirement if
the licensee's primary business is not the sale or service of alcoholic beverages or food.
Under this authority, the Commission waives the service permit requirement for Public
Passenger Carriers whose primary business is transportation (for example airlines and
most trains), but it does not waive the requirement for Public Passenger Carriers whose
primary business is touring (for example tour boats in Oregon waters more than 30 days
per calendar year and small excursion-type railroads). The Commission waives the
service permit requirement for the holder of some temporary licenses (see OAR 845-
005-0440(12) & (13) Temporary Sales Licenses).
(c) Under ORS 471.190, employees and volunteers serving alcoholic beverages for a
nonprofit or charitable organization with a temporary sales license are not required to
have service permits (see OAR 845-005-0440(13) Temporary Sales Licenses).
(3) Authority to Mix, Sell or Serve Based on an Application. ORS 471.375 allows some
service permit applicants to begin mixing, selling or serving alcoholic beverages after
the applicant completes an official service permit application and an authorized person
as defined under ORS 471.375 indorses and sends transmits the application to the
Commission. This authority does not apply to the following applicants:
(a) Any applicant whose service permit application was refused or whose service permit
was revoked within three years of the date the Commission received the current
application;
(b) Any applicant whose service permit application was refused because he or she
failed to complete the required alcohol server education course and/or pass the required
exam. To mix, serve or sell alcoholic beverages, the applicant must first complete all
server education requirements;
(c) Any applicant whose service permit application was returned under OAR 845-009-
0005 Return of Applications; or
(d) Any applicant whose service permit is currently suspended.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.190 & 471.730(1) & (5)
Stats. Implemented: ORS 471.190, 471.360, 471.365(2) & 471.375

845-009-0015
Licensee and Authorized Person's Responsibility for Verifying Identification

(1) Before allowing anyone who is required to have a service permit under ORS
471.360 to perform the duties described in OAR 845-009-0010(1), a licensee must:
(a) Make sure the person has a valid service permit; and
(b) Verify the person's identity (for example, make sure the person's physical description
matches the person's driver's license photo and description).
(2) If the person does not have a valid service permit, but he or she is eligible to mix, sell or serve alcoholic beverages based on an application under OAR 845-009-0010(3), the following rules apply:
(a) If the person has submitted an application with the Commission, the licensee must, before allowing the person to mix, sell or serve alcoholic beverages:
   (A) Verify that the person has a pending application (for example, see a copy of the submitted service permit application; temporary service permit);
   (B) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description); and
   (C) Verify the person's age.
(b) If the person has not submitted an application with the Commission, the licensee must, before allowing the person to mix, sell or serve alcoholic beverages:
   (A) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description);
   (B) Verify the person's age; and
   (C) Mail or personally deliver a completed service permit application, with the appropriate fee, to the Commission by the end of the first work day following the person's first work shift.
(c) After the application is submitted, the licensee has a continuing duty to verify that the person has taken and passed an alcohol server education course and that the person's service permit has been issued.
(3) All other persons authorized to indorse applications under ORS 471.375 must:
(a) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description);
(b) Verify the person's age; and
(c) Mail or personally deliver a completed service permit application, with the appropriate fee, to the Commission within 36 hours of indorsement. Holidays and weekends are not included in counting the 36 hours.
(4) If a company authorized to indorse applications under ORS 471.375(2)(b) fails to comply with subsection (3) of this rule, the Commission will rescind its approval to indorse service permit applications.

Stat. Auth.: ORS 471, 471.030, 471.040 & 471.730(1)
Stats. Implemented: ORS 471.360(1), 471.365(2) & 471.375

845-009-0080
Extensions and Exemptions

(1) ORS 471.542 allows the Commission:
(a) To extend the time limit for completing the course and passing the exam for hardship reasons; and
(b) To exempt licensees who do not participate in the management of the business.
(2) The Commission may grant an extension to an applicant or licensee for a length of time less than the licensing period but no more than 360 days if:
(a) An applicant or licensee is seriously ill or injured;
(b) A member of an applicant or licensees family is seriously ill, injured or has died;
(c) There is no course available within 100 miles of an applicant or licensee residence and applicant or licensee does not have access to an online alcohol server education course;
(d) The Commission approved the applicant as a security interest holder within 30 days before the license expiration; or
(e) An applicant or licensee shows other good cause to grant a hardship extension.
(3) The Commission may exempt an applicant or licensee who:
(a) Does not participate in the sale or service of alcoholic beverages;
(b) Does not participate in setting, implementing or changing the business alcoholic beverage sales or service practices; and
(c) Has a co-licensee or manager who meets the alcohol server education requirement.
(4) An applicant or licensee must send the Commission a written request for an extension or exemption that explains the reason for the request. Requests for extensions should include the amount of time needed. The Commission will notify the applicant or licensee in writing of its approval or denial. Extension approval notices will include the length of the extension.
(5) The Commission may deny, cancel or suspend the license:
(a) If the applicant or licensee fails to complete an approved alcohol server education course and pass the exam by the date the extension expires; or
(b) If the licensee fails to complete an approved alcohol server education course and pass the exam within 45 days of the date the exemption no longer applies.
(6) If the applicant or licensee requests a contested case hearing:
(a) The Commission will not deny, cancel or suspend the license if the applicant or licensee completes an approved alcohol server education course before the hearing;
(b) The Hearing Referee Administrative Law Judge will consider whether the length of the extension the Commission granted was appropriate if the extension granted was less than the applicant or licensee requested.

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)
Stats. Implemented: ORS 471.542

845-009-0085
The Examination (Licensees and License Applicants)

(1) A passing grade on the exam is 70 percent.
(2) After the license applicant or licensee takes the course and exam, the Commission will give him/her the examination results in writing.
(3) A license applicant or licensee who does not pass this exam may retake the exam at a Commission field office up to two times within 90 days of the date the license applicant or licensee took the course. If he/she does not take and pass the exam as this section requires, he/she must complete a course again and pass the exam before the Commission will issue or renew his/her license.
(4) The license applicant or licensee must pay a $5 fee to retake the exam. The Commission accepts a check or money order payable to the Oregon Liquor Control Commission.
Alcohol Server Education Program Service Permittee Requirements

845-009-0100
Service Permittee Requirements

(1) The Commission may not issue or renew a service permit unless the applicant or permittee has complied with the requirements of ORS 471.542 and Commission rules related to the completion of an approved alcohol server education course.

(2) An applicant:
(a) May take the course and pass the exam anytime within two years before the date the Commission receives the person's completed service permit application; or
(b) Must take the course and pass the exam no later than 45 days after the Commission receives the person's completed service permit application. The Commission will deny the application if the applicant has not completed the course and passed the exam within the 45 day limit unless the Commission has approved a hardship extension as described in Sections (3) and (4) of this rule.

(3) ORS 471.542(3) allows the Commission to extend the time limit for completing the course and passing the exam for hardship reasons. The only hardship extensions the Commission will approve are ones for applicants:
(a) Living in counties with a population under 100,000; and
(b) Who demonstrate in writing unusual circumstances beyond the applicant's ability to control or prevent that keep the applicant from completing the course and exam within 45 days.

(4) A hardship extension may not exceed 75 days from the date the Commission received the applicant's completed service permit application. An applicant must submit an extension request within 45 days from the date the Commission received the application. The request must include:
(a) The name of the county that the applicant lives in, and a statement that the population of the county is under 100,000; and
(b) A detailed description of the unusual circumstances that keep the applicant from completing the course and exam within 45 days; the description must demonstrate that the circumstances are beyond the applicant's ability to control or prevent. The applicant must also include the amount of time needed, and the time requested may not exceed 75 days from the date the Commission received the person's completed service permit application. The Commission will notify the applicant in writing of its approval or denial; an approval will include the length of the hardship extension.

(5) A service permittee:
(a) May complete the course and exam anytime within two years before his/her service permit expires to qualify for renewal; or
(b) May complete the course and exam at anytime and apply for a new service permit.

(6) A service permit applicant must include $13 alcohol server education administrative fee with the service permit application. The applicant must also include the $10
**service permit application fee.** An application that does not include this the administrative fee, **application fee and applicable convenience fee charged by the vendor is will be considered** incomplete. The Commission may return the application. The applicant must also include the $10 service permit application fee.

Sections (3) and (4) apply to all completed service permit applications received by the Commission on or after March 1, 1999. The rest of the rule applies to all completed service permit applications received by the Commission.

Stat. Auth.: ORS 471, including 471.030 & 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & 471.547

845-009-0105
**The Examination (Service Permittees and Service Permit Applicants)**

(1) A passing grade on the exam is 70 percent.
(2) After the service permit applicant or permittee takes the course and exam, the Commission will give him/her the examination results, in writing.
(3) A service permit applicant, who does not pass this exam, may retake the exam at a Commission field office up to two times within 90 days of the date the applicant took the course. If the applicant fails to pass both retake exams, he/she must retake the server education course and exam.
(4) If the applicant does not take and pass the exam within 45 days of the date their application was received, the Commission will deny the application. When the applicant receives the denial letter, the applicant must stop selling and serving alcoholic beverages immediately.
(5) If the applicant still wants a service permit after being denied under this rule, he/she must:
   (a) Retake the server education course and pass the exam, if it has been 90 or more days since the date the person took the course or if the person has failed both exam retakes at a Commission field office; or
   (b) Retake the exam at a Commission field office, if it is within 90 days of the date the person took the course, and the person has not taken or failed the two exam retakes; and
   (c) First, pass the server education course, and then complete and file a new application along with the appropriate fees.
(5) The applicant, or permittee must pay a $5 fee to retake the exam. The Commission accepts a check or money order payable to the Oregon Liquor Control Commission.

Stat. Auth.: ORS 471, including 471.030 & 471.730(1) & (5)
Stats. Implemented: ORS 471.542

845-009-0130
**Training Requirements for Employees of Off-Premises Sales Licensees**

(1) Purpose. The Commission is charged with regulating the sale of alcoholic beverages in a manner that protects the safety and welfare of citizens and ensures that alcoholic
beverages are used legally. One way the Commission accomplishes this goal is to require that each employee of an Off-Premises Sales licensee receive training about liquor laws and the consequences of violating those laws. This training requirement is described below.

(2) Training Requirement. Before allowing an employee to sell alcoholic beverages for off-premises consumption, the Off-Premises Sales licensee must do one of the following:
(a) If the employee will sell alcohol in factory-sealed containers for off-premises consumption, but will not dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:
(A) Provide the employee with training that satisfies the requirements of the Commission-approved training option described in subsection (3)(a) of this rule;
(B) Provide the employee with training that satisfies the requirements of the licensee-provided training option described in subsection (3)(b) of this rule; or
(C) Verify that the employee has satisfied the requirements of the service permit training option described in subsection (3)(c) of this rule.
(b) If the employee will sell alcohol in factory-sealed containers for off-premises consumption and may also dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:
(A) Verify that the employee has a valid service permit; or
(B) Verify that the employee has submitted a valid indorsed service permit application. (See OAR 845-009-0010 and 845-009-0015 to determine indorsed application eligibility and requirements.)
(c) If the employee will only dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:
(A) Verify that the employee has a valid service permit; or
(B) Verify that the employee has submitted a valid indorsed service permit application. (See OAR 845-009-0010 and 845-009-0015 to determine indorsed application eligibility and requirements.)

(3) Training Options. The selected training option must meet the following requirements:
(a) Commission-Approved Training Option. The licensee must verify that the employee has satisfactorily completed a Commission-approved alcohol server education course at the licensee’s or employee’s expense, or, upon request, the Commission will provide the licensee with complementary training materials that satisfy the training requirement (e.g., a printed training brochure or a training video) and the licensee must ensure that the employee reads or views these materials.
(b) Licensee-Provided Training Option. In lieu of the Commission-approved training option, the licensee may develop and present its own training program. At minimum, the program must clearly communicate the information contained in the Commission-approved training option materials, which include: Why it is important to avoid selling alcohol to minors and visibly intoxicated persons; How to recognize minors and visibly intoxicated persons; How to check identification; and How to refuse to sell alcohol to minors or visibly intoxicated persons.
(c) Service Permit Training Option. In lieu of the Commission-approved training option and the licensee-provided training option, the licensee may verify that the employee has
a valid service permit. (An indorsed application does not satisfy the requirements of this training option.)

(4) Training Records. For each training option, the licensee must retain the following training records and make these records immediately available for inspection upon request by a Commission employee:

(a) Commission-Approved Training Option. If the licensee selected the Commission-approved training option, the licensee must retain a written record of the date and type of training that the employee completed for the duration of his or her employment.

(b) Licensee-Provided Training Option. If the licensee selected the licensee-provided training option, the licensee must retain a written record of the date and type of training that the employee completed for the duration of his or her employment.

(c) Service Permit Training Option. If the licensee selected the service permit training option, the licensee must retain a copy of the employee’s valid service permit or a written record of the information printed on that card for the duration of his or her employment.

(d) Employee List. If the original records described in subsections (4)(a), (4)(b) or (4)(c) of this rule are not maintained on the licensed premises, the licensee must maintain a current list of employees on the licensed premises and this list must include the following information: The name of each employee who sells alcoholic beverages for off-premises consumption; The training option selected for each employee; The date the training option was completed; and the date the employee began selling alcoholic beverages.

(5) Violation of this rule is a Category IV violation.

Statutory Authority: ORS 471, 471.030, 471.040, 471.730(1) & (5)
Stats. Implemented: ORS 471.730(1) & (5)

845-016-0005
Definitions

As used in OAR chapter 845, division 16:

(1) "Advertising" means any form of notice used in recruiting and promotion, however disseminated, such as publications, signs, mailings, radio, television and audiovisual materials.

(2) "Authorized Representative" means a person who meets the minimum qualifications in OAR 845-016-0020(1) and makes decisions on behalf of the provider that include hiring instructors, evaluating instructor qualifications and supervising instructor performance or managing online operations.

(3) "Case Study" means a teaching method in which the instructor or actor(s) describes, orally or in writing, a situation directly related to the training. The students, instructor or actor(s) demonstrate a possible solution and then the students, instructor or actor(s) describe, demonstrate or discuss the strengths, weaknesses and alternatives to the solution.

(4) "Classroom course" or "classroom setting" means an Alcohol Server Education course (either initial or renewal) taught in a classroom setting with an instructor present.
(5) "Initial Alcohol Server Education course" or "initial course" means the course required by ORS 471.542 and OAR 845-009-0075.

(6) "Online course" means an Alcohol Server Education course (either initial or renewal) accessible via a computer or computer network.

(7) "Provider" means a person certified by the Commission to provide a Commission-approved alcohol server education course and includes: an individual, limited partnership, general partner, limited partner whose investment commitment is ten percent or more of the total investment commitment, corporation, director or principal officer as defined in OAR 845-006-0301, stockholder who owns or controls ten percent or more of any class of stock, limited liability company, limited liability company's member or manager, or other bonafide legal entity. The legal entity may not be set up to avoid the fee structure for providers that these rules establish.

(8) "Renewal Alcohol Server Education course" or "renewal course" means the course required by ORS 471.542, OAR 845-009-0075, and 845-016-0068.

(9) "Role Play" means a teaching method in which the students or actors assume the roles of characters in a situation directly related to the training and then act out responses to the situation the scene presents. Role plays in online courses must meet the course design and technical standards in the Alcohol Server Education Provider Quality Assurance Plan, including the Minimum Course Design and Technical Standards for Online Courses (published September 1, 2007 and available at the Commission's main office at 9079 SE McLoughlin Blvd., Portland, OR).

Stat. Auth.: ORS 471.030, 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & 471.547

845-016-0035
Course Examination in a Classroom Setting
(1) The provider or instructor will:
(a) Administer the Commission-provided exam:
   (A) As a required portion of each course presentation; and
   (B) As a closed-book exam; and
   (C) As an oral exam, if a student asks.
(b) Use Commission examination answer sheets;
(c) Mail or deliver exam answer sheets, student sign-in sheets and transmittal forms to the Commission for scoring within 36 hours of the completion of the course presentation. Holidays and weekends are not included in counting the 36 hours;
(d) Store exams in a secure place;
(e) Not reproduce exams;
(f) Collect the exam material from any personnel when that person is no longer associated with the provider's program;
(g) Promptly return any unused exam material and all exam booklets to the Commission during a suspension or upon termination of provider certification.
(2) Violation of this rule is a Category III violation (see OAR 845-016-0080, Sanctions).

Stat. Auth.: ORS 471.030, ORS 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & 471.547
Hist.: LCC 13-1986(Temp), f. 9-2-86, ef. 9-8-86; OLCC 5-1987, f. 2-9-87, ef. 3-1-87;
OLCC 9-1990, f. 3-27-90, cert. ef. 4-1-90; OLCC 6-1992, f. 6-5-92, cert. ef. 7-1-92; OLCC 10-1998, f. 10-27-98, cert. ef. 12-1-98; OLCC 3-2007, f. 2-26-07, cert. ef. 9-1-07

845-016-0036
Course Examination in Online Courses
(1) The provider will:
(a) Administer the Commission-provided closed-book exam as a required portion of each course presentation;
(b) Transmit student and examination data in the electronic format specified by the Commission for scoring within 36 hours of the completion of the course presentation. Holidays and weekends are not included in counting the 36 hours; and
(c) Ensure safe electronic storage of student information and testing materials as specified in the technical specifications the Commission approves.
(2) Violation of this rule is a Category III violation (see OAR 845-016-0080, Sanctions).
Stat. Auth.: ORS 471.030, ORS 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & ORS 471.547
Hist.: OLCC 3-2007, f. 2-26-07, cert. ef. 9-1-07

845-016-0065
Provider Advertising and Promotion Standards

(1) Provider advertising related to the course must include:
(a) The provider's telephone number and cancellation policy;
(b) The total amount of course time which includes instruction, exam and break time;
(c) A statement that students must attend the entire course before taking the exam.
(2) Advertising will not suggest that the State of Oregon, the Commission or any state agency endorses or recommends the provider's course.
(3) The provider will give the Commission copies of course publications, brochures, pamphlets, tear sheets, scripts or any other representation of advertising materials related to the course upon use.
(4) A provider must have records available to support any claims or representations the provider makes in advertising.
(5) Violation of this rule is a Category III violation (see OAR 845-016-0080, Sanctions).

Stat. Auth.: ORS 471, including 471.030 & 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & 471.547

845-016-0068
Alcohol Server Education Renewal Requirements for Service Permittees and Licensees; Examination; Approval Standards and Process

(1) ORS 471.542(1) requires applicants for any license that authorizes the sale or service of alcoholic beverages for consumption on the premises and service permits to
complete an approved alcohol server education course and examination in order to qualify for a license or permit. ORS 471.542(3) requires the Commission to establish by rule the requirements that licensees and permittees must comply with as a condition of requalifying for a license or permit every five years.

(2) Once every five years after completing the initial alcohol server education course and examination required in ORS 471.542(1), licensees and permittees may satisfy the requirement of 471.542(3) by:

(a) Repeating the initial alcohol server education course and examination; or
(b) Completing a renewal alcohol server education course and examination.

(3) Renewal Course Examination

(a) Despite OAR 845-009-0085(1) and 845-009-0105(1), a passing grade on a renewal course exam is 80 percent.
(b) Despite OAR 845-009-0085(3) and (4) and 845-009-0105(3), a student who does not pass a renewal course exam must repeat the initial alcohol server education course and examination to meet the renewal requirement.

(4) Renewal Course Approval Standards and Process

(a) For a course to be approved, an applicant must:
(A) Submit a completed application packet provided by the Commission; and
(B) Have a course that meets the Commission's Minimum Curriculum and Instruction Standards for an Alcohol Server Education Renewal Course (published June 22, 2000, and available at the Commission's main office at 9079 SE McLoughlin Blvd., Portland, Oregon).
(b) Commission staff will review the application and will:
(A) Approve a completed application that meets the requirements in section (4)(a) of this rule. The Commission will notify the applicant in writing if the Commission approves the course, or;
(B) Return an incomplete application or one that does not meet the requirements of section (4)(a).

Stat. Auth. ORS 471, including 471.030, 471.040 & 471.730(5)
Stats. Implemented: ORS 471.542

845-016-0075

Prohibited Conduct

No provider or instructor will:
(1) Administer the exam to a person who has not attended and completed the entire class. Violation of this section is a Category I violation.
(2) Drink alcoholic beverages, be visibly intoxicated, or be under the influence of intoxicants during the course presentation and exam, including breaks and meals. Violation of this section is a Category I violation.
(2) Make any material false or misleading statement to induce or prevent Commission action. Violation of this section is a Category I violation.
(3) Falsify, alter or otherwise tamper with examination materials. Violation of this section is a Category I violation.
(4) Have a recent history of liquor or controlled substance law violations, a recent history of using a controlled substance or alcoholic beverage to excess or recent disregard for laws related to being a responsible provider, instructor or authorized representative. Violation of this section is a Category I violation.

(5) Exploit the professional relationship with a student for personal gain. Violation of this section is a Category II violation.

(7) Permit a student to refer to any written material or have a discussion with another person (except the instructor or instructor’s designee) during the exam unless the instructor authorizes the student to use an interpreter. Violation of this section is a Category II violation.

(6) Prohibit or interfere with on-site observations by the Commission or fail to assist the Commission in scheduling these observations. Violation of this section is a Category III violation.

(7) Permit any student to drink alcoholic beverages or to be under the influence of intoxicants during the course presentation or exam, including breaks and meals. Violation of this section is a Category III violation.

(8) Permit distractions and interruptions that diminish the quality of the instructional setting. Violation of this section is a Category III violation.

Stat. Auth.: ORS 471.030, 471.730(1) & (5)
Stats. Implemented: ORS 471.542 & 471.547