06

Date

Authorized Signer

Secretary of State Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) a	
Oregon Liquor Control Commission	Date prior to or same as filing date 845
Agency and Division	Administrative Rules Chapter Number
Katie Hilton 9079 SE McLoughlin Blvd., Portland, OR Se Rules Coordinator Address	97222 (503)872-5004 Telephone
to become effective August 1, 2006 Date upon filing or later Rulemaking Notice was published in the	April 1, 2006 Oregon Bulletin.** Month and Year
RULE CAPTION	
Amend rule regulating use of Age Verification Equipment to offset civil penalty for certain	
violations	
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.	
RULEMAKING ACTION	
Amend: OAR 845-009-0140 Age Verification Equi	ipment
ORS Chapter 471, including ORS 471.030, ORS 471.040, and ORS Stat. Auth:	471.730(1)&(5) FILED
ORS 471.342 Stats. Implemented:	JUL TO
RULE SUMMARY	ARCHIVES DIVISION SECRETARY OF STATE
This rule describes the Commission's standards and requirements for licensees who choose to purchase age verification equipment to offset (or in lieu of) a civil penalty when there is a violation for sale of alcohol to a minor, or failure to properly verify the age of a minor purchaser. We have amended the rule to simply rule language and standards, and to clarify precisely when age verification equipment may be used to offset civil penalties for violations related to sale of alcohol to minors.	

^{*}With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

OREGON LIQUOR CONTROL COMMISSION CHAPTER 845 Chapter 009

845-009-0140 Age Verification Equipment

- (1) As used in this rule:
- (a) "Retail licensee" and "licensee" mean a retail licensee as defined in ORS 471.392:
- (b) "Equipment" and "age verification equipment" mean equipment that verifies the age of customers who purchase alcoholic beverages. The equipment must trigger an age verification process or the equipment itself must verify the age. In either case, the equipment must indicate to the licensee or employee if the customer is of legal age to purchase alcoholic beverages.
- (2) For the first or second violation of ORS 471.410(2) or OAR 845-006-0335(1) in a two-year period, the licensee may choose to purchase age verification equipment in lieu of the standard first level Category III sanction, not to exceed 10 days of the suspension or \$1650 of the civil penalty. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.
- (3) For the first or second violation of ORS 471.410(2) or OAR 845-006-0335(1) in a two-year period by a member of the Responsible Vendor Program, the licensee may choose to purchase age verification equipment in lieu of the standard Category III(a) sanction. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.
- (4) A licensee may choose this option only one time per license. If the licensee previously purchased equipment, the Commission may allow the licensee to use the purchase of the equipment in lieu of paying up to \$1650 of the civil penalty or serving up to 10 days of the suspension, if the licensee has not previously received this option.
- (5) The licensee must notify the Commission within 15 days of receiving the Commission's Notice of Violation of their intention to obtain and use the equipment. The licensee must be using the equipment within 30 days of receiving the Notice of Violation.
- (6) The licensee must use the equipment at every point of sale used to sell alcoholic beverages.

Stat. Auth.: ORS 471, including ORS 471.030, 471.040 & 471.730(1)&(5) Stats. Implemented: ORS 471.342

page 1 & 1