

A-Engrossed
House Bill 2168

Ordered by the House April 30
Including House Amendments dated April 30

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission, Office of Regulatory Streamlining of Department of Consumer and Business Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that fee for temporary sales license issued by Oregon Liquor Control Commission is \$50 per day.

Requires that certain applicants for temporary sales license submit plan approved by commission detailing how minor patrons will be prevented from gaining access to alcoholic beverages and from gaining access to portion of licensed premises posted or otherwise identified as being prohibited to minors.

Prohibits raffle of alcoholic beverages by holder of temporary sales license.

Allows temporary sales license to be issued to certain nonprofit trade associations.

A BILL FOR AN ACT

1
2 Relating to temporary sales licenses issued by Oregon Liquor Control Commission; amending ORS
3 471.190 and 471.311.

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

5 **SECTION 1.** ORS 471.311 is amended to read:

6 471.311. (1) Any person desiring a license or renewal of a license under this chapter shall make
7 application to the Oregon Liquor Control Commission upon forms to be furnished by the commission
8 showing the name and address of the applicant, location of the place of business that is to be op-
9 erated under the license, and such other pertinent information as the commission may require. No
10 license shall be granted or renewed until the applicant has complied with the provisions of [*the Li-*
11 *quor Control Act, the provisions of the Oregon Distilled Liquor Control Act*] **this chapter** and the
12 rules of the commission.

13 (2) The commission may reject any application that is not submitted in the form required by
14 rule. The commission shall give applicants an opportunity to be heard if an application is rejected.
15 A hearing under this subsection is not subject to the requirements for contested case proceedings
16 under ORS chapter 183.

17 (3) Subject to subsection (4) of this section, the commission shall assess a nonrefundable fee for
18 processing a renewal application for any license authorized by this chapter only if the renewal ap-
19 plication is received by the commission less than 20 days before expiration of the license. If the
20 renewal application is received prior to expiration of the license but less than 20 days prior to ex-
21 piration, this fee shall be 25 percent of the annual license fee. If a renewal application is received
22 by the commission after expiration of the license but no more than 30 days after expiration, this fee
23 shall be 40 percent of the annual license fee. This subsection does not apply to a certificate of ap-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 proval, a brewery-public house license or any license that is issued for a period of less than 30 days.

2 (4) The commission may waive the fee imposed under subsection (3) of this section if it finds that
 3 failure to submit a timely application was due to unforeseen circumstances or to a delay in pro-
 4 cessing the application by the local governing authority that is no fault of the licensee.

5 (5) The [*annual*] license fee is nonrefundable and shall be paid by each applicant upon the
 6 granting or committing of a license. Subject to ORS 471.155 and 473.065, the annual **or daily** license
 7 fee and the minimum bond required of each class of license under this chapter are as follows:

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License	Fee	Minimum Bond
Brewery, including		
Certificate of Approval	\$ 500	\$ 1,000
Winery	250	1,000
Distillery	100	None
Wholesale Malt		
Beverage and Wine	275	1,000
Warehouse	100	1,000
Special events winery		
license may be		
issued to a		
winery licensee at	\$ 10 per day	
Brewery-Public House,		
including Certificate		
of Approval	\$ 250	\$ 1,000
Limited On-Premises Sales	\$ 200	None
Off-Premises Sales	\$ 100	None
Temporary Sales	<i>[\$ 25 for events</i>	
	<i>lasting five hours</i>	
	<i>or less and</i>	
	<i>\$25 for each</i>	
	<i>additional period</i>	
	<i>of five hours</i>	
	<i>or less:]</i>	
	\$ 50 per day	
Grower sales privilege		
license	\$ 250	\$ 1,000
Special events grower		
sales privilege		
license	\$ 10 per day	

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43 (6) The fee for a certificate of approval or special certificate of approval granted under ORS
 44 471.289 is nonrefundable and must be paid by each applicant upon the granting or committing of a
 45 certificate of approval or special certificate of approval. No bond is required for the granting of a

1 certificate of approval or special certificate of approval. Certificates of approval are valid for a pe-
2 riod commencing on the date of issuance and ending on December 31 of the fifth calendar year fol-
3 lowing the calendar year of issuance. The fee for a certificate of approval is \$175. Special
4 certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval
5 is \$10.

6 (7) Except as provided in subsection (8) of this section, the annual license fee for a full on-
7 premises sales license is \$400. No bond is required for any full on-premises sales license.

8 (8) The annual license fee for a full on-premises sales license held by a private club as described
9 in ORS 471.175 (8), or held by a nonprofit or charitable organization that is registered with the state,
10 is \$200.

11 **SECTION 2.** ORS 471.190 is amended to read:

12 471.190. (1) The holder of a temporary sales license may sell at retail by the drink wine, malt
13 beverages, cider and distilled liquor. Distilled liquor served by the holder of a temporary sales li-
14 cense must be purchased from a retail sales agent of the Oregon Liquor Control Commission. The
15 holder of a temporary sales license must provide food service as required by commission rule.

16 (2) A temporary sales license may be issued only to:

17 (a) Nonprofit or charitable organizations that are registered with the state.

18 (b) A political committee that has filed a statement of organization under ORS 260.039 or
19 260.042.

20 (c) State agencies.

21 (d) Local governments, and agencies and departments of local governments.

22 *[(e) Persons not otherwise described in this subsection if, under the rules of the commission appli-*
23 *cable to the presence of minor patrons on licensed premises, minor patrons would be allowed to be*
24 *anywhere on the licensed premises during the time that the event is occurring.]*

25 **(e) Persons not otherwise described in this subsection, as long as the applicant submits**
26 **a plan that is approved by the commission detailing how minors will be prevented from**
27 **gaining access to alcoholic beverages and how minors will be prevented from gaining access**
28 **to any portion of the licensed premises prohibited to minors under ORS 471.430 (3) or any**
29 **rule adopted by the commission.**

30 (3) The holder of a temporary sales license may sell [*or raffle*] wine, malt beverages or cider in
31 factory-sealed containers for consumption off the licensed premises.

32 (4) The commission may by rule establish additional eligibility requirements for temporary sales
33 licenses.

34 (5) Subject to such qualifications as the commission may establish by rule, persons who hold a
35 full or limited on-premises sales license are eligible for temporary sales licenses.

36 (6) A person holding a temporary sales license is not required to obtain a temporary restaurant
37 license or mobile unit license under ORS chapter 624 if only wine, malt beverages and cider in
38 single-service containers are served and only nonperishable food items that are exempted from
39 licensure by the Department of Human Services are served.

40 (7) Employees and volunteers serving alcoholic beverages for a nonprofit or charitable organ-
41 ization licensed under this section are not required to have server permits nor to complete an al-
42 cohol server education program and examination under ORS 471.542. The commission by rule may
43 establish education requirements for servers described in this subsection.

44 **(8) Notwithstanding ORS 471.392 to 471.400, a temporary sales license may be issued to a**
45 **nonprofit trade association that has a membership primarily comprised of persons that hold**

1 **winery licenses issued under ORS 471.223 or grower sales privilege licenses issued under ORS**
2 **471.227.**
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