

**Enrolled**  
**House Bill 2677**

Sponsored by Representative SCHAUFLEER

CHAPTER .....

AN ACT

Relating to wine self-distribution permits; creating new provisions; and amending ORS 471.155, 471.311, 471.404 and 473.150.

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

**SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 471.**

**SECTION 2. (1) The Oregon Liquor Control Commission may issue a wine self-distribution permit to a United States manufacturer of wine or cider. The commission may issue a wine self-distribution permit only to a manufacturer of wine or cider that:**

**(a) Holds a license issued by another state that authorizes the manufacture of wine or cider; and**

**(b) Holds a certificate of approval issued under ORS 471.289.**

**(2) The holder of a wine self-distribution permit may sell at wholesale and transport wine or cider that the manufacturer produces directly to the commission, or to retail licensees in the manner provided by this section. A wine self-distribution permit allows the holder to sell wine or cider that the holder produces only to retail licensees who hold a valid endorsement issued by the commission authorizing receipt of wine or cider from the holder of a wine self-distribution permit.**

**(3) In addition to the information required by ORS 471.311 for licenses, an applicant for a wine self-distribution permit shall provide the commission with a copy of the license held by the applicant and any information required by the commission to establish that the license held by the applicant authorizes the manufacture of wine or cider.**

**(4) A person holding a wine self-distribution permit is responsible for paying all taxes imposed under ORS chapter 473, and for complying with all reporting requirements imposed by ORS chapter 473, for all wine and cider sold and transported to retail licensees in this state. The commission may revoke, or refuse to issue, a wine self-distribution permit if the holder of a permit fails to pay taxes or make reports as required by ORS chapter 473.**

**(5) A retail licensee may receive wine or cider from the holder of a wine self-distribution permit only if the licensee has received prior authorization from the commission. Prior authorization under this subsection must be made by an endorsement to the license for the premises where the wine or cider will be received. The commission may not charge or collect a fee for an endorsement under this subsection.**

**(6)(a) Except as provided in paragraph (b) of this subsection, a retail licensee that receives wine or cider from holders of wine self-distribution permits must make a monthly report to the commission, using a form prescribed by the commission, listing the amount of all wine or cider received from permit holders in the previous month, and the names of**

the permit holders from whom the wine or cider was received. Retail licensees shall retain such purchase records for products received from permit holders as may be required by the commission.

(b) The holder of a full or limited on-premises sales license is not required to file a report under this subsection for any month in which the licensee receives two or fewer cases of wine from holders of wine self-distribution permits.

(7) A manufacturer that is not licensed by the commission may sell and transport wine or cider directly to a retail licensee, and a retail licensee may receive wine or cider directly from a manufacturer that is not licensed by the commission, only if the manufacturer holds a wine self-distribution permit issued under this section.

(8) The holder of a wine self-distribution permit consents to the jurisdiction of the commission and the courts of this state for the purpose of enforcing the provisions of this chapter, ORS chapter 473 and any related laws or rules.

(9) The holder of a wine self-distribution permit must post a bond or other security, as described in ORS 471.155.

(10) The commission may revoke, or refuse to issue, a wine self-distribution permit if the holder of a permit fails to comply with any provision of this section.

**SECTION 2a.** Section 2b of this 2007 Act is added to and made a part of ORS chapter 471.

**SECTION 2b.** (1) Wine or cider may be shipped or transported by a licensee or permit holder described in subsection (2) of this section only by employees of the licensee or permit holder, or by a common carrier using a commission-approved delivery plan. The holder of a wine self-distribution permit that uses a common carrier to ship or transport wine or cider shall take reasonable steps to ensure that the wine or cider is sold and transported only to licensees that are authorized to receive the wine or cider under section 2 of this 2007 Act.

(2) The provisions of this section apply to persons holding wine self-distribution permits and the holders of winery licenses, grower sales privilege licenses, wholesale malt beverage and wine licenses and warehouse licenses issued by the commission.

**SECTION 3.** ORS 471.311 is amended to read:

471.311. (1) Any person desiring a license or renewal of a license under this chapter shall make application to the Oregon Liquor Control Commission upon forms to be furnished by the commission showing the name and address of the applicant, location of the place of business that 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 applicant has complied with the provisions of the Liquor Control Act, the provisions of the Oregon Distilled Liquor Control Act and the rules of the commission.

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

(3) Subject to subsection (4) of this section, the commission shall assess a nonrefundable fee for processing a renewal application for any license authorized by this chapter only if the renewal application is received by the commission less than 20 days before expiration of the license. If the renewal application is received prior to expiration of the license but less than 20 days prior to expiration, this fee shall be 25 percent of the annual license fee. If a renewal application is received by the commission after expiration of the license but no more than 30 days after expiration, this fee shall be 40 percent of the annual license fee. This subsection does not apply to a certificate of approval, a brewery-public house license or any license that is issued for a period of less than 30 days.

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

(5) The annual license fee is nonrefundable and shall be paid by each applicant upon the granting or committing of a license. Subject to ORS 471.155 and 473.065, the annual license 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	\$ 25 for events lasting five hours or less and \$25 for each additional period of five hours or less	
Grower sales privilege license	\$ 250	\$ 1,000
Special events grower sales privilege license	\$ 10 per day	

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(6) The fee for a certificate of approval or special certificate of approval granted under ORS 471.289 is nonrefundable and must be paid by each applicant upon the granting or committing of a certificate of approval or special certificate of approval. No bond is required for the granting of a certificate of approval or special certificate of approval. Certificates of approval are valid for a period commencing on the date of issuance and ending on December 31 of the fifth calendar year following the calendar year of issuance. The fee for a certificate of approval is \$175. Special certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval is \$10.

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

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

**(9) The annual fee for a wine self-distribution permit is \$100, and the minimum bond is \$1,000.**

**SECTION 4.** ORS 473.150 is amended to read:

473.150. (1) The Oregon Liquor Control Commission may, at any time, examine the books and records of **a holder of a wine self-distribution permit or of** any manufacturer of wine, cider or malt beverages, and may appoint [*such*] auditors, investigators and other employees [*as it deems*] **that the commission considers** necessary to enforce its powers and perform its duties under this section.

(2) Every **holder of a wine self-distribution permit and every** manufacturer shall maintain and keep[, *within this state*] for two years[,] all records, books and accounts required by this chapter **and shall provide copies of those records, books and accounts to the commission when requested by the commission.**

**SECTION 5.** ORS 471.155 is amended to read:

471.155. (1) The Oregon Liquor Control Commission shall provide for the licensing of persons and cities within the state to manufacture, distribute, take orders for and sell spirits, wines, beer and other alcoholic liquors. Except as provided in subsection (2) of this section, [*every licensee or applicant for a*] **the holder of a** brewery, winery, wholesale, warehouse, grower sales privilege or brewery-public house license **or the holder of a wine self-distribution permit** shall give, and at all times maintain on file with the commission, a bond with a corporate surety authorized to transact business in this state. The bond shall be in form and amount acceptable to the commission, shall be payable to the commission and conditioned that [*such*] **the** licensee or [*applicant*] **permittee** will pay any fine imposed for any violation of any provision of the Liquor Control Act and that the licensee or [*applicant*] **permittee** will pay all license fees, privilege taxes[,] **and** taxes on alcoholic liquors, together with penalties and interest thereon, levied or assessed against the licensee or [*applicant*] **permittee** under statutes relating to the importation, manufacture, distribution, sale or taxation of alcoholic liquors in the State of Oregon.

(2) Under such conditions as the commission may prescribe, [*a*] **the holder of a** brewery, winery, wholesale, warehouse, grower sales privilege or brewery-public house [*licensee or applicant*] **license or the holder of a wine self-distribution permit** may deposit, in lieu of the bond required by subsection (1) of this section, the equivalent value in cash, bank letters of credit recognized by the State Treasurer or negotiable securities of a character approved by the State Treasurer. The deposit is to be made in a bank or trust company for the benefit of the commission. Interest on deposited funds or securities shall accrue to the depositor.

**SECTION 5a.** If House Bill 2486 becomes law, section 5 of this 2007 Act (amending ORS 471.155) is repealed and ORS 471.155, as amended by section 1, chapter \_\_, Oregon Laws 2007 (Enrolled House Bill 2486), is amended to read:

471.155. (1) The Oregon Liquor Control Commission shall provide for the licensing of persons and cities within the state to manufacture, distribute, take orders for and sell spirits, wines, beer and other alcoholic liquors. Except as provided in subsection (2) of this section, [*every licensee or applicant for a*] **the holder of a** brewery, winery, wholesale, warehouse, grower sales privilege or brewery-public house license **or the holder of a wine self-distribution permit** shall give, and at all times maintain on file with the commission, a bond with a corporate surety authorized to transact business in this state. The bond shall be in form and amount acceptable to the commission, shall be payable to the commission and conditioned that [*such*] **the** licensee or [*applicant*] **permittee** will pay any fine imposed for any violation of any provision of the Liquor Control Act and that the licensee or [*applicant*] **permittee** will pay all license fees, privilege taxes, taxes imposed under ORS 473.045 and other taxes on alcoholic liquors, together with penalties and interest thereon, levied or assessed against the licensee or [*applicant*] **permittee** under statutes relating to the importation, manufacture, distribution, sale or taxation of alcoholic liquors in the State of Oregon.

(2) Under such conditions as the commission may prescribe, [*a*] **the holder of a** brewery, winery, wholesale, warehouse, grower sales privilege or brewery-public house [*licensee or applicant*] **license or the holder of a wine self-distribution permit** may deposit, in lieu of the bond required by subsection (1) of this section, the equivalent value in cash, bank letters of credit recognized by the State Treasurer or negotiable securities of a character approved by the State Treasurer. The deposit

is to be made in a bank or trust company for the benefit of the commission. Interest on deposited funds or securities shall accrue to the depositor.

**SECTION 6.** ORS 471.404 is amended to read:

471.404. (1) No alcoholic liquor shall be imported into this state by any person not holding a brewery, winery, distillery or wholesaler's license, except as follows:

- (a) Alcoholic liquor ordered by and en route to the Oregon Liquor Control Commission.
- (b) Wines for sacramental purposes according to rules adopted by the commission.
- (c) Alcoholic liquor that is in transit on a common carrier to a destination outside Oregon.
- (d) Alcoholic liquor coming into Oregon on a common carrier according to orders placed by a licensed brewery, winery or wholesaler.
- (e) Imported alcoholic liquor pursuant to a permit issued under subsection (2) of this section.

**(f) Wine or cider that is sold and transported by the holder of a wine self-distribution permit to a retail licensee that has the endorsement described in section 2 (5) of this 2007 Act.**

(2) The commission may require importers of alcoholic liquor to secure a permit for each importation and may charge a reasonable fee based on quantity and type for the permit.

**Passed by House May 17, 2007**

**Received by Governor:**

**Repassed by House June 12, 2007**

.....M.,....., 2007

**Approved:**

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

**Passed by Senate June 11, 2007**

**Filed in Office of Secretary of State:**

.....M.,....., 2007

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President of Senate

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Secretary of State