

**A-Engrossed**  
**House Bill 3128**

Ordered by the House May 4  
Including House Amendments dated May 4

Sponsored by COMMITTEE ON BUSINESS AND LABOR

**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.

Allows Oregon Liquor Control Commission to waive corporate surety bond required for grower sales privilege or warehouse licensee **or direct shipper or wine self-distribution permit holder** under certain circumstances.

Applies to privilege tax reporting periods beginning on or after January 1, 2010.

**A BILL FOR AN ACT**

1  
2 Relating to surety bonds required by Oregon Liquor Control Commission; creating new provisions;  
3 and amending ORS 473.065.

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

5 **SECTION 1.** ORS 473.065 is amended to read:

6 473.065. (1) If a manufacturer's total tax liability under ORS 473.030 (1) in the previous calendar  
7 year was less than \$1,000, the manufacturer may deposit with the Oregon Liquor Control Commis-  
8 sion an amount in cash equal to the manufacturer's total tax liability under ORS 473.030 (1) for the  
9 previous calendar year in lieu of the bond required by ORS 471.155 (1).

10 (2) If a manufacturer's actual tax liability under ORS 473.030 (1) is less than the amount de-  
11 posited under subsection (1) of this section, the manufacturer may request that the commission re-  
12 fund the excess funds or may apply those funds toward the manufacturer's tax liability under ORS  
13 473.030 (1) for the next calendar year.

14 (3) If a manufacturer's actual tax liability under ORS 473.030 (1) is greater than the amount  
15 deposited under subsection (1) of this section, the manufacturer shall pay to the commission the  
16 additional amount owed in the manner required under ORS 473.060.

17 (4) Unless the commission determines that a winery, **grower sales privilege or warehouse**  
18 **licensee or direct shipper or wine self-distribution permit holder** presents an unusual risk for  
19 nonpayment of any license fees, privilege taxes, agricultural products taxes or other tax, penalty or  
20 interest imposed under this chapter or ORS chapter 471, the commission shall waive the bond re-  
21 quired under ORS 471.155 (1) for the *[winery]* licensee **or permit holder** if:

22 (a) The licensee **or permit holder** was not liable for a privilege tax under this chapter in the  
23 immediately preceding calendar year and does not expect to be liable for a privilege tax under this  
24 chapter in the current calendar year; or

25 *[(b) The winery was established during the current calendar year and the licensee does not expect*  
26 *to be liable for a privilege tax under this chapter in the current calendar year.]*

27 **(b) The licensee or permit holder of a business established during the current calendar**

**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 year does not expect to be liable for a privilege tax under this chapter in the current calen-  
2 dar year. As used in this paragraph, "business" means:

3 (A) A winery.

4 (B) A business operated pursuant to a license issued under ORS 471.227.

5 (C) A warehouse.

6 (D) A business operated pursuant to a permit issued under ORS 471.274.

7 (E) A business operated pursuant to a permit issued under ORS 471.282.

8 **SECTION 2.** The amendments to ORS 473.065 by section 1 of this 2009 Act apply to priv-  
9 ilege tax reporting periods beginning on or after January 1, 2010.

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