

House Bill 2149

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Liquor Control Commission)

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 **as introduced**.

Imposes application fee on person seeking initial license from Oregon Liquor Control Commission. Creates exceptions.

Changes exemptions from renewal application processing fee.

A BILL FOR AN ACT

1
2 Relating to applications for licensing by the Oregon Liquor Control Commission; creating new provisions; and amending ORS 471.311.

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

5 **SECTION 1.** ORS 471.311, as amended by section 4, chapter 33, Oregon Laws 2010, is amended
6 to read:

7 471.311. (1) Any person desiring a license or renewal of a license under this chapter shall make
8 application to the Oregon Liquor Control Commission upon forms to be furnished by the commission
9 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 commission may not grant or renew a license unless** the applicant has complied with the provisions of this chapter and the rules of the commission.
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14 (2) The commission may reject any application that is not submitted in the form required by
15 rule. The commission shall give applicants an opportunity to be heard if an application is rejected.
16 A hearing under this subsection is not subject to the requirements for contested case proceedings
17 under ORS chapter 183.

18 (3) **Except as provided in this subsection, the commission shall assess a nonrefundable fee of \$750 for an initial application for a license authorized by this chapter. The fee for an initial application is in addition to the annual license fee specified in subsection (6) of this section. The fee for an application does not apply if, at the time of application, the applicant holds a license under this chapter for another licensed premises. This subsection does not apply to an application for a certificate of approval, a wine self-distribution permit or a direct shipper permit or for a license to be issued for a period of 60 days or less.**
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25 [(3)] (4) Subject to subsection [(4)] (5) of this section, the commission shall assess a
26 nonrefundable fee for processing a renewal application for any license authorized by this chapter
27 only if the renewal application is received by the commission less than 20 days before expiration
28 of the license. If the renewal application is received prior to expiration of the license but less than
29 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
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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 after expiration, this fee shall be 40 percent of the annual license fee. This subsection does not apply
 2 to a certificate of approval, a brewery-public house license *[or any license that is issued for a period*
 3 *of less than 30 days]*, **a wine self-distribution permit or a direct shipper permit.**

4 *[(4)] (5)* The commission may waive the fee imposed under subsection *[(3)] (4)* of this section if
 5 *[it] the commission* finds that failure to submit a timely application was due to unforeseen cir-
 6 cumstances or to a delay in processing the application by the local governing authority that is no
 7 fault of the licensee.

8 *[(5)] (6) [The] A* license fee is nonrefundable and *[shall] must* be paid by *[each] the* applicant
 9 upon the granting or committing of *[a] the* license. Subject to ORS 471.155 and 473.065, the annual
 10 or daily license fee and the minimum bond required of each class of license under this chapter are
 11 as follows:

License	Minimum Fee	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	\$ 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	\$ 50 per day	
Grower sales privilege		
license	\$ 250	\$ 1,000
Special events grower		
sales privilege		
license	\$ 10 per day	
Special events		
brewery-public house		
license	\$ 10 per day	
Special events		
distillery		
license	\$ 10 per day	

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 44 *[(6)] (7)* The fee for a certificate of approval or special certificate of approval granted under ORS
 45 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a

1 certificate of approval or special certificate of approval. [No] A bond is **not** required for the
 2 granting of a certificate of approval or special certificate of approval. Certificates of approval are
 3 valid for a period commencing on the date of issuance and ending on December 31 of the fifth cal-
 4 endar year following the calendar year of issuance. The fee for a certificate of approval is \$175.
 5 Special certificates of approval are valid for a period of 30 days. The fee for a special certificate
 6 of approval is \$10.

7 [(7)] (8) Except as provided in subsection [(8)] (9) of this section, the annual license fee for a full
 8 on-premises sales license is \$400. [No] A bond is **not** required for [any] a full on-premises sales li-
 9 cense.

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

13 [(9)] (10) The annual fee for a wine self-distribution permit is \$100.[, and] The minimum bond **for**
 14 **a wine self-distribution permit** is \$1,000.

15 **SECTION 2. The amendments to ORS 471.311 by section 1 of this 2011 Act apply to license**
 16 **applications that the Oregon Liquor Control Commission receives on or after the effective**
 17 **date of this 2011 Act.**

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