

# House Bill 2718

Sponsored by Representative TOMEI (Presession filed.)

## 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 fee for Oregon Liquor Control Commission's processing of application for initial license. Excludes applications for special events licenses and temporary sales licenses. Changes fee amounts for various annual licenses issued by commission.

## A BILL FOR AN ACT

1  
2 Relating to Oregon Liquor Control Commission fees; creating new provisions; and amending ORS  
3 471.311.

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 op-  
10 erated under the license, and such other pertinent information as the commission may require. No  
11 license shall be granted or renewed until the applicant has complied with the provisions of this  
12 chapter and the 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-  
24 proval, a brewery-public house license or any license that is issued for a period of less than 30 days.

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

28 **(5) The commission shall assess a nonrefundable initial application fee of \$750 for pro-**  
29 **cessing an initial application for a license authorized by this chapter. The fee for an initial**  
30 **application is in addition to the annual license fee specified in subsection (6) of this section.**  
31 **This subsection does not apply to an application for a special events or temporary sales li-**

**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.

**cense.**

[(5)] (6) The 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 or daily license fee and the minimum bond required of each class of license under this chapter are as follows:



License	Fee	Minimum Bond
Brewery, including Certificate		
<i>[of Approval</i>	\$ 500	\$ 1,000
<i>Winery</i>	250	1,000
<i>Distillery</i>	100	None
<i>Wholesale Malt Beverage</i>		
<i>and Wine</i>	275	1,000
<i>Warehouse</i>	100	1,000
<i>Special events winery</i>		
<i>license</i>	\$ 10 per day	
<i>Brewery-Public House,</i>		
<i>including Certificate</i>		
<i>of Approval</i>	\$ 250	\$ 1,000
<i>Limited On-Premises Sales</i>	\$ 200	None
<i>Off-Premises Sales</i>	\$ 100	None
<i>Temporary Sales</i>	\$ 50 per day	
<i>Grower sales privilege</i>		
<i>license</i>	\$ 250	\$ 1,000
<b>of Approval</b>	<b>\$ _____</b>	<b>\$ 1,000</b>
<b>Winery</b>	<b>_____</b>	<b>1,000</b>
<b>Distillery</b>	<b>_____</b>	<b>None</b>
<b>Wholesale Malt Beverage</b>		
<b>and Wine</b>	<b>_____</b>	<b>1,000</b>
<b>Warehouse</b>	<b>_____</b>	<b>1,000</b>
<b>Special events winery</b>		
<b>license</b>	<b>\$ 10 per day</b>	
<b>Brewery-Public House,</b>		
<b>including Certificate</b>		
<b>of Approval</b>	<b>\$ _____</b>	<b>\$ 1,000</b>
<b>Limited On-Premises Sales</b>	<b>\$ _____</b>	<b>None</b>
<b>Off-Premises Sales</b>	<b>\$ _____</b>	<b>None</b>
<b>Temporary Sales</b>	<b>\$ 50 per day</b>	
<b>Grower sales privilege</b>		
<b>license</b>	<b>\$ _____</b>	<b>\$ 1,000</b>
Special events grower		
sales privilege		
license	\$ 10 per day	
Special events		

1	brewery-public house	
2	license	\$ 10 per day
3	Special events	
4	distillery	
5	license	\$ 10 per day

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8 [(6)] (7) The fee for a certificate of approval or special certificate of approval granted under ORS  
 9 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a  
 10 certificate of approval or special certificate of approval. No bond is required for the granting of a  
 11 certificate of approval or special certificate of approval. Certificates of approval are valid for a pe-  
 12 riod commencing on the date of issuance and ending on December 31 of the fifth calendar year fol-  
 13 lowing the calendar year of issuance. The fee for a certificate of approval is \$175. Special  
 14 certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval  
 15 is \$10.

16 [(7)] (8) Except as provided in subsection [(8)] (9) of this section, the annual license fee for a full  
 17 on-premises sales license is [400] \$\_\_\_\_. No bond is required for any full on-premises sales license.

18 [(8)] (9) The annual license fee for a full on-premises sales license held by a nonprofit private  
 19 club as described in ORS 471.175 (8), or held by a nonprofit or charitable organization that is reg-  
 20 istered with the state, is [200] \$\_\_\_\_.

21 [(9)] (10) The annual fee for a wine self-distribution permit is \$100, and the minimum bond is  
 22 \$1,000.

23 **SECTION 2. The nonrefundable initial application fee for processing of an initial applica-**  
 24 **tion for a license under ORS chapter 471 created by the amendments to ORS 471.311 by sec-**  
 25 **tion 1 of this 2011 Act applies to license applications that are filed with the Oregon Liquor**  
 26 **Control Commission on or after the effective date of this 2011 Act.**

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