

**PROPOSED AMENDMENTS TO
SENATE BILL 296**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the
2 line and insert “471.274 and 471.311.”.

3 Delete lines 5 through 25 and delete pages 2 through 8 and insert:

4 **“SECTION 1. Sections 2 to 4 of this 2013 Act are added to and made
5 a part of ORS chapter 471.**

6 **“SECTION 2. (1) The holder of an off-premises sales license may
7 store wine at the licensed premises and cause the wine to be trans-
8 ported to another premises that is licensed for off-premises sales if the
9 holder:**

10 **“(a) Takes title to the wine no later than when the wine is delivered
11 to the licensed premises at which the holder will store the wine before
12 transportation;**

13 **“(b) Retains title to the wine until the wine is sold at retail;**

14 **“(c) Owns, leases or subleases the premises receiving wine trans-
15 ported from the licensed premises of the holder; and**

16 **“(d) Ensures that wine transported from the licensed premises of
17 the holder to another premises licensed for off-premises sales is
18 transported to the receiving premises:**

19 **“(A) On a vehicle owned or operated by the holder;**

20 **“(B) On a vehicle owned by a licensed wholesaler; or**

21 **“(C) On a common carrier.**

22 **“(2) Notwithstanding ORS 471.305, if the holder of an off-premises**

1 sales license causes wine to be transported under this section to an-
2 other premises that is licensed for off-premises sales, the operator of
3 the receiving premises may sell the wine on behalf of the holder at
4 retail at the receiving premises.

5 **“SECTION 3. (1) A central warehouse license allows the licensee to:**

6 **“(a) Subject to subsection (4) of this section, receive wine directly**
7 **from a licensed wholesaler or winery licensee or from a manufacturer**
8 **of wine that holds a wine self-distribution permit issued under ORS**
9 **471.274;**

10 **“(b) Hold wine described in this subsection in storage; and**

11 **“(c) Release the wine for transport to a licensed premises described**
12 **in section 4 (3) of this 2013 Act.**

13 **“(2) A central warehouse licensee may receive wine only if the wine**
14 **is transported to the central warehouse:**

15 **“(a) On a vehicle owned or operated by the central warehouse**
16 **licensee;**

17 **“(b) On a vehicle owned by the licensed wholesaler;**

18 **“(c) On a vehicle owned by the winery licensee;**

19 **“(d) On a vehicle owned by the manufacturer of wine holding the**
20 **wine self-distribution permit; or**

21 **“(e) On a common carrier.**

22 **“(3) Holding a central warehouse license does not qualify the cen-**
23 **tral warehouse licensee as a manufacturer or wholesaler for purposes**
24 **of ORS 471.392 to 471.400.**

25 **“(4) A central warehouse licensee may receive wine from a whole-**
26 **saler or winery only if the wholesaler or winery has paid the taxes on**
27 **the wine. A central warehouse licensee that receives wine from a**
28 **manufacturer of wine that holds a wine self-distribution permit must**
29 **pay the taxes on the wine and comply with the reporting requirements**
30 **imposed under ORS 471.274.**

1 **“SECTION 4. (1) The Oregon Liquor Control Commission may issue**
2 **a central warehouse license to a person for the purpose of supplying**
3 **wine to not fewer than 10 licensed premises described in subsection (3)**
4 **of this section.**

5 **“(2) The central warehouse licensee may store wine at the central**
6 **warehouse and may cause the wine to be transported to a premises**
7 **licensed for off-premises sales if the central warehouse licensee:**

8 **“(a) Takes title to the wine no later than when the wine is delivered**
9 **to the central warehouse;**

10 **“(b) Retains title to the wine until the wine is sold at retail; and**

11 **“(c) Causes the wine to be transported from the central warehouse**
12 **only to a licensed premises in which the central warehouse licensee**
13 **has an interest described in subsection (3) of this section.**

14 **“(3) A premises licensed for off-premises sales may receive wine**
15 **from a central warehouse licensed under this section if the central**
16 **warehouse licensee is named on the off-premises sales license and the**
17 **premises is:**

18 **“(a) Wholly owned by the central warehouse licensee;**

19 **“(b) Owned in part by the central warehouse licensee and sells wine**
20 **at retail under a trade name of the central warehouse licensee; or**

21 **“(c) Operated under a contract with the central warehouse licensee**
22 **and sells wine at retail under a trade name of the central warehouse**
23 **licensee.**

24 **“SECTION 5. ORS 471.274 is amended to read:**

25 **“471.274. (1) The Oregon Liquor Control Commission may issue a wine**
26 **self-distribution permit to a United States manufacturer of wine or cider. The**
27 **commission may issue a wine self-distribution permit only to a manufacturer**
28 **of wine or cider that:**

29 **“(a) Holds a license issued by another state that authorizes the manufac-**
30 **ture of wine or cider; and**

1 “(b) Holds a certificate of approval issued under ORS 471.244.

2 “(2) The holder of a wine self-distribution permit may sell at wholesale
3 and transport wine or cider that the manufacturer produces directly to the
4 commission, [or] to retail licensees **or to licensed central warehouses** in
5 the manner provided by this section. A wine self-distribution permit allows
6 the holder to sell wine or cider that the holder produces only to retail
7 licensees who hold a valid endorsement issued by the commission authorizing
8 receipt of wine or cider from the holder of a wine self-distribution permit
9 **or to a licensed central warehouse.**

10 “(3) In addition to the information required by ORS 471.311 for licenses,
11 an applicant for a wine self-distribution permit shall provide the commission
12 with a copy of the license held by the applicant or with sufficient informa-
13 tion to allow verification of the license by electronic means or other means
14 acceptable to the commission. The applicant also shall provide the commis-
15 sion with any information required by the commission to establish that the
16 license held by the applicant authorizes the manufacture of wine or cider.

17 “(4) **Except as provided in this subsection,** a person holding a wine
18 self-distribution permit is responsible for paying all taxes imposed under ORS
19 chapter 473, and for complying with all reporting requirements imposed by
20 ORS chapter 473, for all wine and cider sold and transported to retail
21 licensees in this state. **If a person holding a wine self-distribution per-**
22 **mit delivers wine to a central warehouse, the central warehouse**
23 **licensee is responsible for paying all taxes imposed under ORS chapter**
24 **473, and for complying with all reporting requirements imposed by**
25 **ORS chapter 473, for the wine delivered by the permit holder to the**
26 **central warehouse.** The commission may revoke, or refuse to issue, a wine
27 self-distribution permit if the holder of a permit fails to pay taxes or make
28 reports as required by ORS chapter 473.

29 “(5) A retail licensee may receive wine or cider from the holder of a wine
30 self-distribution permit only if the licensee has received prior authorization

1 from the commission. Prior authorization under this subsection must be made
2 by an endorsement to the license for the premises where the wine or cider
3 will be received. The commission may not charge or collect a fee for an
4 endorsement under this subsection.

5 “(6)(a) Except as provided in paragraph (b) of this subsection, a retail
6 licensee that receives wine or cider from holders of wine self-distribution
7 permits must make a monthly report to the commission, using a form pre-
8 scribed by the commission, listing the amount of all wine or cider received
9 from permit holders in the previous month, and the names of the permit
10 holders from whom the wine or cider was received. Retail licensees shall
11 retain such purchase records for products received from permit holders as
12 may be required by the commission.

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

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

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

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

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

1 **“SECTION 6.** ORS 471.311 is amended to read:

2 “471.311. (1) Any person desiring a license or renewal of a license under
3 this chapter shall make application to the Oregon Liquor Control Commis-
4 sion upon forms to be furnished by the commission showing the name and
5 address of the applicant, location of the place of business that is to be op-
6 erated under the license, and such other pertinent information as the com-
7 mission may require. [No] **A** license [shall] **may not** be granted or renewed
8 until the applicant has complied with the provisions of this chapter and the
9 rules of the commission.

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

15 “(3) Subject to subsection (4) of this section, the commission shall assess
16 a nonrefundable fee for processing a renewal application for any license au-
17 thorized by this chapter only if the renewal application is received by the
18 commission less than 20 days before expiration of the license. If the renewal
19 application is received prior to expiration of the license but less than 20 days
20 prior to expiration, [this] **the** fee shall be 25 percent of the annual license
21 fee. If a renewal application is received by the commission after expiration
22 of the license but no more than 30 days after expiration, [this] **the** fee shall
23 be 40 percent of the annual license fee. This subsection does not apply to a
24 certificate of approval, a brewery-public house license or any license that is
25 issued for a period of less than 30 days.

26 “(4) The commission may waive the fee imposed under subsection (3) of
27 this section if [it] **the commission** finds that failure to submit a timely ap-
28 plication was due to unforeseen circumstances or to a delay in processing
29 the application by the local governing authority that is no fault of the
30 licensee.

1 “(5) The license fee is nonrefundable and [*shall*] **must** be paid by each
 2 applicant upon the granting or committing of a license. Subject to ORS
 3 471.155 and 473.065, the annual or daily license fee and the minimum bond
 4 required of each class of license under this chapter are as follows:

5 “ _____

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
Central Warehouse	\$ 1,000	\$ 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		

1 license \$ 10 per day

2 Special events

3 distillery

4 license \$ 10 per day

5 “

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

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

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

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

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