

**PROPOSED AMENDMENTS TO
SENATE BILL 583**

1 On page 1 of the printed bill, line 2, after “471.230” insert “, 471.282”.

2 On page 9, after line 27, insert:

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4

“DIRECT SHIPPERS

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6 **“SECTION 18.** ORS 471.282 is amended to read:

7 “471.282. (1) Notwithstanding any other provision of this chapter and ex-
8 cept as provided by ORS 471.186 (6), a person may sell and ship wine or cider
9 directly to a resident of Oregon only if the person holds a direct shipper
10 permit. The Oregon Liquor Control Commission shall issue a direct shipper
11 permit only to:

12 “(a) A person that holds a license issued by this state or another state
13 that authorizes the manufacture of wine or cider;

14 “(b) A person that holds a license issued by this state or another state
15 that authorizes the sale of wine or cider produced only from grapes or other
16 fruit grown under the control of the person;

17 “(c) A person that holds a license authorizing the sale of wine or cider
18 at retail; or

19 “(d) A nonprofit trade association that holds a temporary sales license
20 under ORS 471.190 and that has a membership primarily composed of persons
21 holding winery licenses issued under ORS 471.223 or grower sales privilege
22 licenses issued under ORS 471.227.

1 “(2)(a) A person may apply for a direct shipper permit by filing an appli-
2 cation with the commission. The application must be made in such form as
3 may be prescribed by the commission.

4 “(b) If the application is based on a license issued by this state, the per-
5 son must include in the application the number of the license issued to the
6 person.

7 “(c) If the application is based on a license issued by another state, the
8 person must include in the application a true copy of the license issued to
9 the person by the other state or include sufficient information to allow ver-
10 ification of the license by electronic means or other means acceptable to the
11 commission.

12 “(d) If the application is based on a license issued by another state, or the
13 application is by a nonprofit trade association described in subsection (1)(d)
14 of this section, the person or association must pay a \$50 registration fee and
15 maintain a bond or other security described in ORS 471.155 in the minimum
16 amount of \$1,000.

17 “(3) Sales and shipments under a direct shipper permit:

18 “(a) May be made only to a person who is at least 21 years of age;

19 “(b) May be made only for personal use and not for the purpose of resale;
20 and

21 “(c) May not exceed two cases, containing not more than nine liters per
22 case, to any resident per month.

23 “(4) Sales and shipments under a direct shipper permit must be made di-
24 rectly to a resident of this state in containers that are conspicuously labeled
25 with the words: ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
26 21 YEARS OR OLDER REQUIRED FOR DELIVERY.’

27 “(5) A person holding a direct shipper permit must take all actions nec-
28 essary to ensure that a carrier used by the permit holder does not deliver
29 any wine or cider unless the carrier:

30 “(a) Obtains the signature of the recipient of the wine or cider upon de-

1 livery;

2 “(b) Verifies by inspecting government-issued photo identification that the
3 recipient is at least 21 years of age; and

4 “(c) Determines that the recipient is not visibly intoxicated at the time
5 of delivery.

6 “(6)(a) A person holding a direct shipper permit must report to the com-
7 mission all shipments of wine or cider made to Oregon residents under the
8 permit [*as required by ORS chapter 473*] **on a quarterly basis**. The report
9 must be made in a form prescribed by the commission.

10 “(b) A person holding a direct shipper permit must allow the commission
11 to audit the permit holder’s records upon request and shall make those re-
12 cords available to the commission in this state.

13 “(c) A person holding a direct shipper permit consents to the jurisdiction
14 of the commission and the courts of this state for the purpose of enforcing
15 the provisions of this section and any related laws or rules.

16 “(7)(a) A person holding a direct shipper permit must timely pay to the
17 commission all taxes imposed under ORS chapter 473 on wine and cider sold
18 and shipped under the permit. For the purpose of the privilege tax imposed
19 under ORS chapter 473, all wine or cider sold and shipped pursuant to a di-
20 rect shipper permit is sold in this state.

21 “(b) A person holding a direct shipper permit based on a license issued
22 by another state must timely pay to the commission all taxes imposed under
23 ORS chapter 473 on all wine or cider sold and shipped directly to Oregon
24 residents under the permit. The permit holder, not the purchaser, is respon-
25 sible for the tax.

26 “(8) A direct shipper permit must be renewed annually. If the person holds
27 the permit based on an annual license issued by another state, the person
28 may renew the permit by paying a \$50 renewal fee and providing the com-
29 mission with a true copy of a current license issued to the person by the
30 other state or with sufficient information to allow verification of the license

1 by electronic means or other means acceptable to the commission. If the
2 person holds the permit based on an annual license issued by this state, the
3 person may renew the permit at the same time that the person renews the
4 license.

5 “(9) The commission may refuse to issue or may suspend or revoke a di-
6 rect shipper permit if the permit holder fails to comply with the provisions
7 of this section. A person may sell and ship wine or cider under a direct
8 shipper permit only for as long as the person has the license issued by this
9 state or another state that authorizes the person to hold a direct shipper
10 permit.

11 “(10) Any person who knowingly or negligently delivers wine or cider
12 under the provisions of this section to a person under 21 years of age, or
13 who knowingly or negligently delivers wine or cider under the provisions of
14 this section to a visibly intoxicated person, violates ORS 471.410.

15 “(11) A person may not make sales and shipments of wine or cider directly
16 to Oregon residents unless the person holds a direct shipper permit issued
17 under this section. Any person who knowingly makes, participates in, trans-
18 ports, imports or receives a shipment of wine or cider that is in violation
19 of this section commits a misdemeanor as provided in ORS 471.990 (1).”.

20 In line 31, delete “18” and insert “19”.

21 In line 37, delete “19” and insert “20”.

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