

## HOUSE AMENDMENTS TO HOUSE BILL 4053

By COMMITTEE ON BUSINESS AND LABOR

February 3

1 On page 1 of the printed bill, line 2, after “ORS” insert “471.168, 471.311,”.

2 On page 2, after line 22, insert:

3 “**SECTION 3.** ORS 471.168 is amended to read:

4 “471.168. (1) For the purpose of providing coverage for injuries suffered by persons by reason  
5 of the conduct of intoxicated persons who were served alcoholic beverages on licensed premises  
6 while visibly intoxicated, all persons holding a license described in this section must either:

7 “(a) Maintain liquor liability insurance of not less than \$300,000; or

8 “(b) Maintain a bond with a corporate surety authorized to transact business in this state in the  
9 amount of not less than \$300,000.

10 “(2) The Oregon Liquor Control Commission may by rule require liquor liability insurance or  
11 bond in an amount larger than the minimum amount provided for in subsection (1) of this section.

12 “(3) The requirements of this section apply to full on-premises sales licenses, limited on-premises  
13 sales licenses and brewery-public house licenses. The requirements of this section apply to tempo-  
14 rary sales licenses, special events winery licenses, special events grower sales privilege licenses,  
15 special events brewery-public house licenses, **special events brewery licenses** and special events  
16 distillery licenses if the event that is licensed is open to the public and attendance at the event is  
17 anticipated to exceed 300 individuals per day.

18 “(4) The requirements of this section apply to winery licenses, brewery licenses and grower sales  
19 privilege licenses unless an applicant for issuance of the license or renewal of the license submits  
20 with the application for issuance or renewal of the license an affidavit that states that the licensee  
21 will not allow consumption of alcoholic beverages on the premises.

22 “(5) All licensees subject to the requirements of this section must supply proof of compliance  
23 at the time the license is issued or renewed. The commission by rule shall determine the manner in  
24 which proof of compliance may be made under the provisions of this subsection. The commission  
25 may require a licensee to present proof of compliance with liquor liability insurance and bond re-  
26 quirements at any time upon request of the commission.

27 “(6) Failure of a licensee to comply with liquor liability insurance or bond requirements imposed  
28 under this section constitutes a serious threat to public health and safety. In addition to any action  
29 available to the commission under ORS 471.313 or 471.315, the commission may immediately suspend  
30 or refuse renewal of a license as provided under ORS 183.430 (2) if the licensee fails to comply with  
31 those insurance or bond requirements.

32 “(7) If a licensee fails to provide proof of compliance with liquor liability insurance or bond re-  
33 quirements imposed under this section at the time of license renewal or when requested by the  
34 commission, the failure is sufficient reason for the commission to find for purposes of ORS 183.430  
35 (2) that the licensee has failed to comply with the insurance or bond requirements.

1       “**SECTION 4.** ORS 471.311 is amended to read:

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

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

12       “(3) The commission shall charge an application fee, not to exceed \$150, to process an applica-  
13 tion for the issuance of a new license under this chapter or a license following a change in owner-  
14 ship. The application fee applies only to an application for a class of license having an annual  
15 license fee. The application fee is nonrefundable, except that the commission shall refund the fee if  
16 the applicant completes, submits and maintains an application and the commission does not, on or  
17 before 75 days following receipt of the completed application, propose that the license be granted,  
18 granted with conditions or refused. The commission shall adopt rules to:

19       “(a) Establish application fees by class of license; and

20       “(b) Define a completed application for purposes of this subsection.

21       “(4) Subject to subsection (5) of this section, the commission shall assess a nonrefundable fee for  
22 processing a renewal application for any license authorized by this chapter only if the renewal ap-  
23 plication is received by the commission less than 20 days before expiration of the license. If the  
24 renewal application is received prior to expiration of the license but less than 20 days prior to ex-  
25 piration, [this] **the** fee shall be 25 percent of the annual license fee. If a renewal application is re-  
26 ceived by the commission after expiration of the license but no more than 30 days after expiration,  
27 [this] **the** fee shall be 40 percent of the annual license fee. This subsection does not apply to a cer-  
28 tificate of approval, a brewery-public house license or any license that is issued for a period of less  
29 than 30 days.

30       “(5) The commission may waive the fee imposed under subsection (4) of this section if [it] **the**  
31 **commission** finds that failure to submit a timely application was due to unforeseen circumstances  
32 or to a delay in processing the application by the local governing authority that is no fault of the  
33 licensee.

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

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		Minimum	
	License	Fee	Bond
41	Brewery, including Certificate		
42	of Approval	\$ 500	\$ 1,000
43	Winery	\$ 250	\$ 1,000
44	Distillery	\$ 100	None
45	Wholesale Malt Beverage		

1	and Wine	\$ 275	\$ 1,000
2	Warehouse	\$ 100	\$ 1,000
3	[ <i>Special events winery</i> ]		
4	[ <i>license</i>	\$ 10 per day]	
5	Brewery-Public House,		
6	including Certificate		
7	of Approval	\$ 250	\$ 1,000
8	Limited On-Premises Sales	\$ 200	None
9	Off-Premises Sales	\$ 100	None
10	Temporary Sales	\$ 50 per day	
11	Grower sales privilege		
12	license	\$ 250	\$ 1,000
13	<b>Special events brewery</b>		
14	<b>license</b>	<b>\$ 10 per day</b>	
15	<b>Special events winery</b>		
16	<b>license</b>	<b>\$ 10 per day</b>	
17	Special events grower		
18	sales privilege		
19	license	\$ 10 per day	
20	Special events		
21	brewery-public house		
22	license	\$ 10 per day	
23	Special events		
24	distillery		
25	license	\$ 10 per day	
26	“		

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28 “(7) The fee for a certificate of approval or special certificate of approval granted under ORS  
29 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a  
30 certificate of approval or special certificate of approval. No bond is required for the granting of a  
31 certificate of approval or special certificate of approval. Certificates of approval are valid for a pe-  
32 riod commencing on the date of issuance and ending on December 31 of the fifth calendar year fol-  
33 lowing the calendar year of issuance. The fee for a certificate of approval is \$175. Special  
34 certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval  
35 is \$10.

36 “(8) Except as provided in subsection (9) of this section, the annual license fee for a full on-  
37 premises sales license is \$400. No bond is required for any full on-premises sales license.

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

41 “(10) The annual fee for a wine self-distribution permit is \$100, and the minimum bond is  
42 \$1,000.”.

43 In line 23, delete “3” and insert “5”.

44 In line 35, delete “4” and insert “6”.

45 In line 42, delete “5” and insert “7”.

1 On page 3, line 6, delete "6" and insert "8".

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