

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3386**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages
2 2 through 5 and insert:

3 **“SECTION 1. Sections 2 to 4 of this 2019 Act are added to and made**
4 **a part of ORS chapter 471.**

5 **“SECTION 2. As used in sections 2 to 4 of this 2019 Act:**

6 **“(1) ‘Eligible business’ means the holder of:**

7 **“(a) An off-premises sales license issued under ORS 471.186;**

8 **“(b) A brewery-public house license issued under ORS 471.200;**

9 **“(c) A brewery license issued under ORS 471.221;**

10 **“(d) A winery license issued under ORS 471.223; or**

11 **“(e) A grower sales privilege license issued under ORS 471.227.**

12 **“(2) ‘Final consumer’ means a person taking possession of alcoholic**
13 **beverages for personal or social use, and not for resale.**

14 **“(3) ‘Liquor store agent’ means an Oregon Liquor Control Com-**
15 **mission agent appointed under ORS 471.750 to operate a store.**

16 **“(4) ‘Noncommercial provider’ means a person that delivers alco-**
17 **holic beverages to a final consumer at a residential address without**
18 **receiving any direct or indirect financial consideration for the alco-**
19 **holic beverages or delivery of the alcoholic beverages.**

20 **“(5) ‘Residential address’ means a place:**

21 **“(a) That has a street address; and**

1 “(b) That is used as a residence or for carrying on a business that
2 is not regulated under this chapter.

3 “SECTION 3. (1) Distilled liquor may be delivered to a final con-
4 sumer at a residential address in this state only by a liquor store
5 agent, for-hire carrier permit holder or noncommercial provider.

6 “(2) Malt beverages, wine and cider may be delivered to a final
7 consumer at a residential address only by an eligible business, ship-
8 ment delivery permit holder, for-hire carrier permit holder or non-
9 commercial provider.

10 “(3) Subsections (1) and (2) of this section do not authorize any de-
11 livery in violation of a requirement, condition, restriction or prohibi-
12 tion imposed under this chapter or Oregon Liquor Control Commission
13 rules.

14 “SECTION 4. (1) Notwithstanding ORS 471.405, a shipment delivery
15 permit authorizes a common carrier to deliver malt beverages, wine
16 or cider to a final consumer at a residential address on behalf of a
17 direct shipper permit holder. A delivery of malt beverage, wine or cider
18 by a shipment delivery permit holder is subject to any requirement,
19 condition, restriction or prohibition imposed on the delivery under this
20 chapter or Oregon Liquor Control Commission rules. This subsection
21 does not affect the ability of a common carrier to possess or transport
22 alcohol or to make deliveries of alcohol as authorized under this
23 chapter to recipients other than a final consumer at a residential ad-
24 dress.

25 “(2) Notwithstanding ORS 471.405, a for-hire carrier permit author-
26 izes the permit holder to accept possession of alcohol at the licensed
27 premises of an eligible business and deliver the alcohol on the same
28 day to a final consumer at a residential address on behalf of the eli-
29 gible business. A delivery of alcohol by a for-hire carrier permit holder
30 is subject to any requirement, condition, restriction or prohibition

1 imposed on the delivery under this chapter or commission rules.

2 “(3) The Oregon Liquor Control Commission may not issue a for-
3 hire carrier permit to a manufacturer or wholesaler as defined in ORS
4 471.392.

5 “(4) A shipment delivery permit or for-hire carrier permit must
6 identify a business address that the permit holder has registered with
7 the Secretary of State. The commission may charge a fee for a ship-
8 ment delivery permit or for-hire carrier permit. A shipment delivery
9 permit or for-hire carrier permit is valid for all premises that the
10 holder operates in connection with the permit. A for-hire carrier per-
11 mit holder may not operate any premises in connection with the per-
12 mit at the same street address as a liquor store, a premises licensed
13 under this chapter or a place used for the activities of a business li-
14 censed under ORS 475B.070, 475B.090, 475B.100 or 475B.105.

15 “(5)(a) A shipment delivery permit holder may deliver malt
16 beverage, wine or cider under the permit only if the malt beverage,
17 wine or cider is in factory-sealed containers.

18 “(b) A for-hire carrier permit holder may deliver:

19 “(A) Distilled liquor under the permit only if the distilled liquor is
20 in factory-sealed containers.

21 “(B) Malt beverage, wine or cider under the permit only if the malt
22 beverage, wine or cider is in factory-sealed containers or containers
23 sealed by the eligible business.

24 “(6) The commission may adopt rules to limit the amount that a
25 for-hire carrier permit holder delivers to the same residential address
26 in a single day. The commission may prohibit a for-hire carrier permit
27 holder from delivering alcohol for an eligible business during hours
28 that the eligible business is not open for the selling of alcohol.

29 “(7) A shipment delivery permit holder may charge a direct shipper
30 permit holder or a final consumer a fee for delivery of the alcohol. A

1 for-hire carrier permit holder may charge a liquor store agent, eligible
2 business or final consumer a fee for delivering alcoholic beverages.
3 Except as provided under this subsection, a shipment delivery permit
4 holder or for-hire carrier permit holder may not sell alcoholic
5 beverages. This subsection does not prohibit a retail licensee as defined
6 in ORS 471.392 that holds an interest in a for-hire carrier permit holder
7 from selling alcoholic beverages as authorized by that retail license.

8 “(8) A shipment delivery permit or for-hire carrier permit does not
9 make the permit holder a manufacturer, wholesaler or retail licensee
10 for purposes of ORS 471.392 to 471.400. However, if a retail licensee
11 holds an interest in a for-hire carrier permit holder, the prohibitions
12 in ORS 471.398 apply with regard to the for-hire carrier permit holder
13 in the same manner as for the retail licensee.

14 “(9) If a shipment delivery permit holder commits a violation of
15 ORS 471.282 or any requirements, condition, restriction or prohibition
16 imposed on the delivery under this chapter or Oregon Liquor Control
17 Commission rules, the commission may impose sanctions under ORS
18 471.315 or 471.322 against, or require corrective actions by, the ship-
19 ment delivery permit holder or the direct shipper using the shipment
20 delivery permit holder. If a for-hire carrier permit holder commits a
21 violation of this chapter in delivering alcohol under the permit or vi-
22 olates any requirements, condition, restriction or prohibition imposed
23 on the delivery under this chapter or commission rules, the commis-
24 sion may impose sanctions under ORS 471.315 or 471.322 against, or
25 require corrective actions by, the permit holder or the eligible business
26 or liquor store agent using the for-hire carrier permit holder to make
27 the delivery. Notwithstanding ORS 471.344, the commission may allow,
28 or may require as a corrective action under this subsection, a ship-
29 ment delivery permit holder, for-hire carrier permit holder, or em-
30 ployees of the permit holders, to attend responsible vendor program

1 **training under ORS 471.344.**

2 **“SECTION 5.** ORS 471.311 is amended to read:

3 “471.311. (1) Any person desiring a license or renewal of a license under
4 this chapter shall make application to the Oregon Liquor Control Commis-
5 sion upon forms to be furnished by the commission showing the name and
6 address of the applicant, location of the place of business that is to be op-
7 erated under the license, and such other pertinent information as the com-
8 mission may require. A license may not be granted or renewed until the
9 applicant has complied with the provisions of this chapter and the rules of
10 the commission.

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

16 “(3) The commission shall charge an application fee, not to exceed \$150,
17 to process an application for the issuance of a new license under this chapter
18 or a license following a change in ownership. The application fee applies
19 only to an application for a class of license having an annual license fee.
20 The application fee is nonrefundable, except that the commission shall refund
21 the fee if the applicant completes, submits and maintains an application and
22 the commission does not, on or before 75 days following receipt of the com-
23 pleted application, propose that the license be granted, granted with condi-
24 tions or refused. The commission shall adopt rules to:

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

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

27 “(4) Subject to subsection (5) of this section, the commission shall assess
28 a nonrefundable fee for processing a renewal application for any license au-
29 thorized by this chapter only if the renewal application is received by the
30 commission less than 20 days before expiration of the license. If the renewal

1 application is received prior to expiration of the license but less than 20 days
 2 prior to expiration, the fee shall be 25 percent of the annual license fee. If
 3 a renewal application is received by the commission after expiration of the
 4 license but no more than 30 days after expiration, the fee shall be 40 percent
 5 of the annual license fee. This subsection does not apply to a certificate of
 6 approval, a brewery-public house license or any license that is issued for a
 7 period of less than 30 days.

8 “(5) The commission may waive the fee imposed under subsection (4) of
 9 this section if the commission finds that failure to submit a timely applica-
 10 tion was due to unforeseen circumstances or to a delay in processing the
 11 application by the local governing authority that is no fault of the licensee.

12 “(6) The license fee is nonrefundable and must be paid by each applicant
 13 upon the granting or committing of a license. Subject to ORS 471.155 and
 14 473.065, the annual or daily license fee and the minimum bond required of
 15 each class of license under this chapter are as follows:

16 “ _____

		Minimum	
License	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	
Brewery-Public House,			
including Certificate			
of Approval	\$ 250	\$ 1,000	
Limited On-Premises Sales	\$ 200	None	
Off-Premises Sales	\$ 100	None	

1	Temporary Sales	\$ 50 per day
2	Grower sales privilege	
3	license	\$ 250 \$ 1,000
4	Special events brewery	
5	license	\$ 10 per day
6	Special events winery	
7	license	\$ 10 per day
8	Special events grower	
9	sales privilege	
10	license	\$ 10 per day
11	Special events	
12	brewery-public house	
13	license	\$ 10 per day
14	Special events	
15	distillery	
16	license	\$ 10 per day

17 “ _____

18 “(7) The fee for a certificate of approval or special certificate of approval
19 granted under ORS 471.244 is nonrefundable and must be paid by each ap-
20 plicant upon the granting or committing of a certificate of approval or spe-
21 cial certificate of approval. No bond is required for the granting of a
22 certificate of approval or special certificate of approval. Certificates of ap-
23 proval are valid for a period commencing on the date of issuance and ending
24 on December 31 of the fifth calendar year following the calendar year of is-
25 suance. The fee for a certificate of approval is \$175. Special certificates of
26 approval are valid for a period of 30 days. The fee for a special certificate
27 of approval is \$10.

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

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

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

6 “(11) **The annual fee for a shipment delivery permit or for-hire**
7 **carrier permit is \$500. No bond is required for a shipment delivery**
8 **permit or a for-hire carrier permit.**

9 “**SECTION 6.** ORS 471.322 is amended to read:

10 “471.322. (1) If a license, **a shipment carrier permit or for-hire carrier**
11 **permit** issued under this chapter or a service permit issued under ORS
12 471.360 is suspended for a period of 30 days or less, the Oregon Liquor Con-
13 trol Commission may impose against the affected licensee or permittee in
14 lieu of or in addition to the suspension a civil penalty fixed by the commis-
15 sion in accordance with subsection (2) of this section if the commission is
16 satisfied that such a penalty in lieu of or in addition to suspension is con-
17 sistent with the purposes of the Liquor Control Act and the Oregon Distilled
18 Liquor Control Act. Upon payment of the penalty in lieu of suspension, the
19 commission shall cancel the suspension.

20 “(2) Except as provided in ORS 471.327, the penalty which the commission
21 may impose pursuant to subsection (1) of this section against a licensee,
22 **shipment delivery permit holder or for-hire carrier permit holder** shall
23 not be less than \$100 nor more than \$5,000. The penalty which the commis-
24 sion may impose pursuant to subsection (1) of this section against a service
25 permittee shall not be less than \$25 nor more than \$500.

26 “(3) Civil penalties under this section shall be imposed as provided in
27 ORS 183.745.”

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