

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR

**PROPOSED AMENDMENTS TO
HOUSE BILL 4053**

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

3 On page 2, after line 22, insert:

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

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

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

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

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

15 “(3) The requirements of this section apply to full on-premises sales li-
16 censes, limited on-premises sales licenses and brewery-public house licenses.
17 The requirements of this section apply to temporary sales licenses, special
18 events winery licenses, special events grower sales privilege licenses, special
19 events brewery-public house licenses, **special events brewery licenses** and
20 special events distillery licenses if the event that is licensed is open to the
21 public and attendance at the event is anticipated to exceed 300 individuals

1 per day.

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

7 “(5) All licensees subject to the requirements of this section must supply
8 proof of compliance at the time the license is issued or renewed. The com-
9 mission by rule shall determine the manner in which proof of compliance
10 may be made under the provisions of this subsection. The commission may
11 require a licensee to present proof of compliance with liquor liability insur-
12 ance and bond requirements at any time upon request of the commission.

13 “(6) Failure of a licensee to comply with liquor liability insurance or bond
14 requirements imposed under this section constitutes a serious threat to pub-
15 lic health and safety. In addition to any action available to the commission
16 under ORS 471.313 or 471.315, the commission may immediately suspend or
17 refuse renewal of a license as provided under ORS 183.430 (2) if the licensee
18 fails to comply with those insurance or bond requirements.

19 “(7) If a licensee fails to provide proof of compliance with liquor liability
20 insurance or bond requirements imposed under this section at the time of
21 license renewal or when requested by the commission, the failure is suffi-
22 cient reason for the commission to find for purposes of ORS 183.430 (2) that
23 the licensee has failed to comply with the insurance or bond requirements.

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

25 “471.311. (1) Any person desiring a license or renewal of a license under
26 this chapter shall make application to the Oregon Liquor Control Commis-
27 sion upon forms to be furnished by the commission showing the name and
28 address of the applicant, location of the place of business that is to be op-
29 erated under the license, and such other pertinent information as the com-
30 mission may require. [No] **A** license [shall] **may not** be granted or renewed

1 until the applicant has complied with the provisions of this chapter and the
2 rules of the commission.

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

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

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

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

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

30 “(5) The commission may waive the fee imposed under subsection (4) of

1 this section if *[it]* **the commission** finds that failure to submit a timely ap-
 2 plication was due to unforeseen circumstances or to a delay in processing
 3 the application by the local governing authority that is no fault of the
 4 licensee.

5 “(6) The license fee is nonrefundable and *[shall]* **must** be paid by each
 6 applicant upon the granting or committing of a license. Subject to ORS
 7 471.155 and 473.065, the annual or daily license fee and the minimum bond
 8 required of each class of license under this chapter are as follows:

9 “ _____

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
<i>[Special events winery]</i>			
<i>[license</i>	<i>\$ 10 per day]</i>		
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 brewery			
license	\$ 10 per day		

1 **Special events winery**

2 **license** **\$ 10 per day**

3 Special events grower

4 sales privilege

5 license \$ 10 per day

6 Special events

7 brewery-public house

8 license \$ 10 per day

9 Special events

10 distillery

11 license \$ 10 per day

12 “

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

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

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

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

- 1 In line 23, delete “3” and insert “5”.
- 2 In line 35, delete “4” and insert “6”.
- 3 In line 42, delete “5” and insert “7”.
- 4 On page 3, line 6, delete “6” and insert “8”.
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