

HOUSE AMENDMENTS TO HOUSE BILL 3386

By COMMITTEE ON ECONOMIC DEVELOPMENT

April 12

1 On page 1 of the printed bill, line 2, after “471.311” delete the rest of the line and insert “,
2 471.322 and 471.750.”.

3 Delete lines 4 through 30 and delete pages 2 through 5 and insert:

4 **“SECTION 1. Sections 2 to 5 of this 2019 Act are added to and made a part of ORS**
5 **chapter 471.**

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

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

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

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

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

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

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

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

15 **“(3) ‘Liquor store agent’ means an Oregon Liquor Control Commission agent appointed**
16 **under ORS 471.750 to operate a store.**

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

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

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

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

24 **“SECTION 3. (1) An alcohol delivery service permit allows the permit holder to operate**
25 **a digital network in this state that provides the means by which a driver is dispatched to**
26 **take possession of alcoholic liquor from an eligible business and deliver the alcoholic liquor**
27 **on the same day to the final consumer at a residential address.**

28 **“(2) An alcohol delivery service permit holder, a driver or an employee or agent acting**
29 **for the permit holder, may not:**

30 **“(a) Hold any other license, permit or certificate under this chapter or be a manufacturer**
31 **of alcoholic liquor whose products are sold in this state;**

32 **“(b) Sell alcoholic liquor;**

33 **“(c) Store alcoholic liquor; or**

34 **“(d) Transfer possession of alcoholic liquor to an individual who is under 21 years of age.**

35 **“(3) The use of a commercial motor vehicle as defined in ORS 801.208, a vehicle described**

1 in ORS 825.020 or a commercial vehicle registered under ORS chapter 826 to transport or
2 deliver alcoholic liquor does not require an alcohol delivery service permit.

3 **“SECTION 4. A common carrier permit allows a commercial transporter of goods to de-**
4 **liver alcoholic liquor that a direct shipper permit holder has entrusted to the transporter to**
5 **a final consumer at a residential address. A permit is valid for all premises operated in this**
6 **state by the permit holder and for all deliveries of alcoholic liquor to a final consumer at a**
7 **residential address made through those premises.**

8 **“SECTION 5. (1) Distilled liquor may be delivered to a final consumer at a residential**
9 **address in this state only by a liquor store agent, alcohol delivery service permit holder or**
10 **noncommercial provider.**

11 **“(2) Malt beverages, wine and cider may be delivered to a final consumer at a residential**
12 **address only by an eligible business, alcohol delivery service permit holder, common carrier**
13 **permit holder, direct shipper permit holder or noncommercial provider.**

14 **“(3) Subsections (1) and (2) of this section do not authorize any delivery in violation of a**
15 **requirement, condition, restriction or prohibition imposed under this chapter or Oregon Li-**
16 **quor Control Commission rules.**

17 **“(4) A delivery of alcohol by an alcohol delivery service permit holder is subject to any**
18 **requirement, condition, restriction or prohibition imposed on the delivery under this chapter**
19 **or commission rules.**

20 **“(5) An alcohol delivery service permit must identify a business address that the permit**
21 **holder has registered with the Secretary of State. The commission may charge a fee for an**
22 **alcohol delivery service permit. An alcohol delivery service permit is valid for all premises**
23 **that the holder operates in connection with the permit. An alcohol delivery service permit**
24 **holder may not operate any premises in connection with the permit at the same street ad-**
25 **dress as a liquor store, a premises licensed under this chapter or a place used for the ac-**
26 **tivities of a business licensed under ORS 475B.070, 475B.090, 475B.100 or 475B.105.**

27 **“(6)(a) An alcohol delivery service permit holder may deliver:**

28 **“(A) Distilled liquor under the permit only if the distilled liquor is in factory-sealed con-**
29 **tainers.**

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

32 **“(b) A common carrier permit holder may deliver malt beverage, wine or cider under the**
33 **permit only if the malt beverage, wine or cider is in factory-sealed containers.**

34 **“(7) The commission may adopt rules to limit the amount that an alcohol delivery service**
35 **permit holder delivers to the same residential address in a single day. The commission may**
36 **prohibit an alcohol delivery service permit holder from delivering alcohol for an eligible**
37 **business during hours that the eligible business is not open for the selling of alcohol.**

38 **“(8) An alcohol delivery service permit holder may charge a liquor store agent, eligible**
39 **business or final consumer a fee for delivering alcoholic beverages. Except as provided under**
40 **this subsection, an alcohol delivery service permit holder may not sell alcoholic beverages.**
41 **This subsection does not prohibit a retail licensee as defined in ORS 471.392 that holds an**
42 **interest in an alcohol delivery service permit holder from selling alcoholic beverages as au-**
43 **thorized by that retail license.**

44 **“(9) An alcohol delivery service permit does not make the permit holder a manufacturer,**
45 **wholesaler or retail licensee for purposes of ORS 471.392 to 471.400.**

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
Temporary Sales	\$ 50 per day	
Grower sales privilege license	\$ 250	\$ 1,000
Special events brewery license	\$ 10 per day	
Special events winery license	\$ 10 per day	
Special events grower sales privilege license	\$ 10 per day	
Special events brewery-public house license	\$ 10 per day	
Special events distillery license	\$ 10 per day	

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

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

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

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

1 “(11) **The annual fee for an alcohol delivery service permit or common carrier permit is**
2 **\$500. No bond is required for an alcohol delivery service permit or common carrier permit.**

3 “**SECTION 7.** ORS 471.322 is amended to read:

4 “471.322. (1) If a license issued under this chapter, **an alcohol delivery service permit, a**
5 **common carrier permit** or a service permit issued under ORS 471.360 is suspended for a period
6 of 30 days or less, the Oregon Liquor Control Commission may impose against the affected licensee
7 or permittee in lieu of or in addition to the suspension a civil penalty fixed by the commission in
8 accordance with subsection (2) of this section if the commission is satisfied that such a penalty in
9 lieu of or in addition to suspension is consistent with the purposes of the Liquor Control Act and
10 the Oregon Distilled Liquor Control Act. Upon payment of the penalty in lieu of suspension, the
11 commission shall cancel the suspension.

12 “(2) Except as provided in ORS 471.327, the penalty *[which]* **that** the commission may impose
13 *[pursuant to]* **under** subsection (1) of this section against a licensee shall not be less than \$100 nor
14 more than \$5,000. The penalty *[which]* **that** the commission may impose *[pursuant to]* **under** sub-
15 section (1) of this section against a service permittee shall not be less than \$25 nor more than \$500.

16 “(3) **The penalty that the commission may impose under subsection (1) of this section**
17 **against an alcohol delivery service permit holder or common carrier permit holder shall not**
18 **be less than \$100 or more than \$500. However, the commission may impose a civil penalty**
19 **against an alcohol delivery service permit holder or common carrier permit holder only if:**

20 “(a) **The common carrier or a driver for the alcohol delivery service permit holder**
21 **knowingly failed to acquire the signature of a person over 21 years of age or older when de-**
22 **livering alcoholic liquor; and**

23 “(b) **The seller or shipper of the alcoholic liquor requires that a common carrier or al-**
24 **cohol delivery service driver acquire the signature of a person over 21 years of age or older**
25 **before delivering alcoholic liquor sold or shipped to a final consumer in this state. As used**
26 **in this subsection, ‘final consumer’ has the meaning given that term in section 2 of this 2019**
27 **Act.**

28 “[(3)] (4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

29 “**SECTION 8.** ORS 471.750 is amended to read:

30 “471.750. (1) The Oregon Liquor Control Commission shall establish such stores and warehouses
31 in such places in the state as in its judgment are required by public convenience or necessity, for
32 the sale of spirituous liquors, wines and other alcoholic liquors containing over five percent alcohol
33 by volume, in sealed containers for consumption off the premises. The commission shall keep on
34 hand in such stores or warehouses such quantities and kinds of alcoholic liquors as are reasonably
35 required to supply the public demand.

36 “(2) Any person qualified to purchase such liquors from the commission has the right to present
37 to the commission, or at any of its stores, an application for any kind or brand of alcoholic liquor
38 that the person may desire and that may be manufactured or obtainable in any place in the United
39 States, and the commission shall obtain such liquor and sell it to the applicant. The commission may
40 not require that an application for a kind or brand of alcoholic liquor include a commitment to
41 purchase a minimum amount of the liquor or require that a purchase be for more than one container
42 of a kind or brand of alcoholic liquor if the liquor:

43 “(a) Except as provided in subsection [(5)] (6) of this section, has a retail sales price of \$30 or
44 more per container;

45 “(b) Is available through a distributor in the United States that does not require the commission

1 to acquire more than one case of the distilled liquor in a single transaction;

2 “(c) Is not regularly stocked by the commission; and

3 “(d) Is ordered in a 750 milliliter container size if available in that size.

4 “(3) The commission may not establish a store in any county or incorporated city of this state
5 where a local prohibitory law is in effect. The commission shall adopt rules governing advertising
6 by stores operated by the commission. The commission may appoint agents in the sale of said liquor
7 under such agreement as the commission may negotiate with said agents or their representative.

8 “(4) Rules relating to advertising adopted by the commission under subsection (3) of this section
9 shall allow signs and displays within its stores for the purpose of supplying consumer information
10 to customers, including but not limited to discounts, sales and other specials. Commission discretion
11 with respect to those signs and displays shall be limited to regulation of the content, size, number
12 per brand, type and duration of the sign or display. Signs and displays may be supplied by man-
13 ufacturers, wholesalers or distributors, and may bear the name of a particular distillery, supplier
14 or brand of liquor. The use of signs and displays shall be optional with the agent appointed by the
15 commission. Signs or displays authorized by the commission may not be placed in positions within
16 the store where the sign or display would be readily visible from outside of the store.

17 “(5) **The commission shall allow the purchasing of alcoholic liquor from its liquor stores**
18 **by use of Internet or telephone. However, a liquor store must transfer possession of alco-**
19 **holic liquor to a purchaser in person or to a driver for an alcohol delivery service holding a**
20 **permit issued under section 3 of this 2019 Act.**

21 “[5] (6) The commission may annually adjust the price threshold established in subsection (2)(a)
22 of this section by a percentage equal to the percentage change in the Portland-Salem, OR-WA Con-
23 sumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor
24 Statistics of the United States Department of Labor. However, the commission may not adjust the
25 price threshold to be less than \$30.”.

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