

HOUSE AMENDMENTS TO HOUSE BILL 3495

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

June 27

1 In line 2 of the printed bill, after “manufacturers” insert “; creating new provisions; and
2 amending ORS 471.311”.

3 Delete lines 5 through 15 and insert:

4 **“SECTION 2. (1) If a manufacturer’s total tax liability under ORS 473.030 (1) in the pre-
5 vious calendar year was less than \$1,000, the manufacturer may deposit with the Oregon
6 Liquor Control Commission an amount in cash equal to the manufacturer’s total tax liability
7 under ORS 473.030 (1) for the previous calendar year in lieu of the bond required by ORS
8 471.155 (1).**

9 **“(2) If a manufacturer’s actual tax liability under ORS 473.030 (1) is less than the amount
10 deposited under subsection (1) of this section, the manufacturer may request that the com-
11 mission refund the excess funds or may apply those funds toward the manufacturer’s tax
12 liability under ORS 473.030 (1) for the next calendar year.**

13 **“(3) If a manufacturer’s actual tax liability under ORS 473.030 (1) is greater than the
14 amount deposited under subsection (1) of this section, the manufacturer shall pay to the
15 commission the additional amount owed in the manner required under ORS 473.060.**

16 **“SECTION 3.** ORS 471.311 is amended to read:

17 **“471.311. (1) Any person desiring a license or renewal of a license under this chapter shall make
18 application to the Oregon Liquor Control Commission upon forms to be furnished by the commission
19 showing the name and address of the applicant, location of the place of business which is to be op-
20 erated under the license, and such other pertinent information as the commission may require. No
21 license shall be granted or renewed until the applicant has complied with the provisions of the Li-
22 quor Control Act, the provisions of the Oregon Distilled Liquor Control Act and the rules of the
23 commission.**

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

28 **“(3) Subject to subsection (4) of this section, the commission shall assess a nonrefundable fee for
29 processing a renewal application for any license authorized by this chapter only if the renewal ap-
30 plication is received by the commission less than 20 days before expiration of the license. If the
31 renewal application is received prior to expiration of the license but less than 20 days prior to ex-
32 piration, this fee shall be 25 percent of the annual license fee. If a renewal application is received
33 by the commission after expiration of the license but no more than 30 days after expiration, this fee
34 shall be 40 percent of the annual license fee. This subsection shall not apply to a certificate of ap-
35 proval, a brewery-public house license or to any license which is issued for a period of less than 30**

1 days.

2 “(4) The commission may waive the fee imposed under subsection (3) of this section if it finds
3 that failure to submit a timely application was due to unforeseen circumstances or to a delay in
4 processing the application by the local governing authority that is no fault of the licensee.

5 “(5) The annual license fee is nonrefundable and shall be paid by each applicant upon the
6 granting or committing of a license. **Subject to ORS 471.155 and section 2 of this 2005 Act**, the
7 annual license fee and the minimum bond required of each class of license under this chapter are
8 as follows:

9 “ _____

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	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
Special events winery		
license may be		
issued to a		
winery licensee at	\$ 10 per day	
Brewery-Public House,		
including Certificate		
of Approval	\$ 250	\$ 1,000
Limited On-Premises Sales	\$ 200	None
Off-Premises Sales	\$ 100	None
Temporary Sales	\$ 25 for events	
	lasting five hours	
	or less and	
	\$25 for each	
	additional period	
	of five hours	
	or less	
Grower sales privilege		
license	\$ 250	\$ 1,000
Special events grower		
sales privilege		
license	\$ 10 per day	

41 “ _____

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43 “(6) The fee for a certificate of approval or special certificate of approval granted under ORS
44 471.289 is nonrefundable and must be paid by each applicant upon the granting or committing of a
45 certificate of approval or special certificate of approval. No bond is required for the granting of a

1 certificate of approval or special certificate of approval. Certificates of approval are valid for a pe-
2 riod commencing on the date of issuance and ending on December 31 of the fifth calendar year fol-
3 lowing the calendar year of issuance. The fee for a certificate of approval is \$175. Special
4 certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval
5 is \$10.

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

8 “(8) The annual license fee for a full on-premises sales license held by a private club as de-
9 scribed in ORS 471.175 (7), or held by a nonprofit or charitable organization that is registered with
10 the state, is \$200.”

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