



AN ACT REVISING ALCOHOLIC BEVERAGES LAWS RELATING TO THE SEASONAL STATUS OF RETAIL ALCOHOLIC BEVERAGES AND LICENSES; ELIMINATING SPECIFIC EXAMPLES OF SEASONAL BUSINESSES; PROVIDING FOR A 1-YEAR NONUSE PERIOD IF THE LICENSEE NOTIFIES THE DEPARTMENT; AMENDING SECTION 16-3-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-3-310, MCA, is amended to read:

"16-3-310. Lapse of license for nonuse -- approved nonuse. (1) Any retail license issued pursuant to this code (including any retail license to sell beer and table wine for off-premises consumption) not actually used in a going establishment for 90 days ~~shall~~ must automatically lapse if the licensee does not notify the department within the 90-day time period. ~~Upon~~ On determining the fact of nonuse for ~~such~~ this period, the department shall cancel ~~such~~ the license of record and no portion of the fee paid ~~therefor shall~~ for it may be refundable.

(2) The provisions of this section shall do not apply to the license of any licensee whose premises are operated on a seasonal basis in connection with a bona fide dude ranch, resort, park hotel, tourist facility, or like business, provided such the licensee has secured written authority from the department to close and has licensed premises for a specified period of greater than 90 days' duration. Should the department determine that such lapse was reasonably beyond the control of the licensee, then the lapse provision shall not apply.

(3) If the licensee notifies the department within the 90 days of nonuse, the department shall grant approved nonuse for up to 1 year. The department may extend the nonuse period if the licensee provides evidence that the delay in use is for reasons outside the licensee's control or that the licensee is progressing on a department-approved alteration."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 166, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 166

INTRODUCED BY D. HARVEY, E. MATTHEWS

BY REQUEST OF THE DEPARTMENT OF REVENUE

AN ACT REVISING ALCOHOLIC BEVERAGES LAWS RELATING TO THE SEASONAL STATUS OF RETAIL ALCOHOLIC BEVERAGES AND LICENSES; ELIMINATING SPECIFIC EXAMPLES OF SEASONAL BUSINESSES; PROVIDING FOR A 1-YEAR NONUSE PERIOD IF THE LICENSEE NOTIFIES THE DEPARTMENT; AMENDING SECTION 16-3-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.