

1 HOUSE BILL NO. 166
2 INTRODUCED BY D. HARVEY
3 BY REQUEST OF THE DEPARTMENT OF REVENUE
4

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

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

12
13 **Section 1.** Section 16-3-310, MCA, is amended to read:

14 **"16-3-310. Lapse of license for nonuse -- approved nonuse.** (1) Any retail license issued pursuant
15 to this code (including any retail license to sell beer and table wine for off-premises consumption) not actually
16 used in a going establishment for 90 days ~~shall~~must automatically lapse if the licensee does not notify the
17 department within the 90-day time period. ~~Upon~~On determining the fact of nonuse for ~~such~~this period, the
18 department shall cancel ~~such~~the license of record and no portion of the fee paid ~~therefor~~shall ~~for it~~ may be
19 refundable.

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

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

Amendment - 1st Reading-white - Requested by: Edward Buttrey - (H) Business and Labor

68th Legislature

Drafter: Jameson Walker, 406-444-3722

HB0166.001.002

1 a department-approved alteration."

2

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

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- END -

AMEND