

1 SENATE BILL NO. 543

2 INTRODUCED BY E. BOLDMAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING OFF-PREMISES BEER AND WINE LICENSES TO
5 DELIVER BEER AND WINE; PROVIDING FOR LICENSING BY THE DEPARTMENT OF REVENUE;
6 PROVIDING FOR PAYMENT OF A FEE; AND AMENDING SECTION 16-4-115, MCA."

7

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

9

10 Section 1. Section 16-4-115, MCA, is amended to read:

11 "16-4-115. Beer and wine licenses for off-premises consumption -- delivery. (1) A retail license to
12 sell beer or table wine, or both, in the original packages for off-premises consumption may be issued only to a
13 person, firm, or corporation that is approved by the department as a person, firm, or corporation qualified to sell
14 beer or table wine, or both. If the premises proposed for licensing are operated in conjunction with another
15 business, that business must be a grocery store or drugstore licensed as a pharmacy. The number of licenses
16 that the department may issue is not limited by the provisions of 16-4-105 but must be determined by the
17 department in the exercise of its sound discretion, and the department may in the exercise of its sound
18 discretion grant or deny an application for any license or suspend or revoke any license for cause.

19 (2) ~~Upon~~On receipt of a completed application for a license under this section, accompanied by
20 the necessary license fee as provided in 16-4-501, the department shall request that the department of justice
21 make a background investigation of all matters relating to the application.

22 (3) Based on the results of the investigation or in exercising its sound discretion as provided in
23 subsection (1), the department shall determine whether:

24 (a) the applicant is qualified to receive a license;

25 (b) the applicant's premises are suitable for the carrying on of the business; and

26 (c) the requirements of this code and the rules promulgated by the department are met and
27 complied with.

28 (4) License applications submitted under this section are not subject to the provisions of 16-4-203

1 and 16-4-207.

2 (5) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in
3 original packaging.

4 (6) A grocery store with a license to sell beer and TABLE wine in original packaging may apply to
5 the department and pay a fee for an endorsement to, with the licensee's own agents or employees who are 21
6 years of age or older, deliver beer and TABLE wine in original packaging if the delivery includes groceries in their
7 original packaging or food that is prepared by the licensee at the licensee's premises. The purchase price of the
8 delivered beer and TABLE wine may not exceed the purchase price of the delivered food."

9
10 COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 969 and
11 [this act] are passed and approved and both contain a section that amend 16-4-115, then the sections
12 amending 16-4-115 are void and 16-4-115 must be amended as follows:

13 **"16-4-115. Beer and wine licenses for off-premises consumption -- third-party delivery -- own**
14 **delivery for grocery stores.** (1) A retail license to sell beer or table wine, or both, in the original packages for
15 off-premises consumption may be issued only to a person, firm, or corporation that is approved by the
16 department as a person, firm, or corporation qualified to sell beer or table wine, or both. If the premises
17 proposed for licensing are operated in conjunction with another business, that business must be a grocery store
18 or drugstore licensed as a pharmacy. The number of licenses that the department may issue is not limited by
19 the provisions of 16-4-105 but must be determined by the department in the exercise of its sound discretion,
20 and the department may in the exercise of its sound discretion grant or deny an application for any license or
21 suspend or revoke any license for cause.

22 (2) ~~Upon~~On receipt of a completed application for a license under this section, accompanied by
23 the necessary license fee as provided in 16-4-501, the department shall request that the department of justice
24 make a background investigation of all matters relating to the application.

25 (3) Based on the results of the investigation or in exercising its sound discretion as provided in
26 subsection (1), the department shall determine whether:

- 27 (a) the applicant is qualified to receive a license;
- 28 (b) the applicant's premises are suitable for the carrying on of the business; and

1 (c) the requirements of this code and the rules promulgated by the department are met and
2 complied with.

3 (4) License applications submitted under this section are not subject to the provisions of 16-4-203
4 and 16-4-207.

5 (5) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in
6 original packaging.

7 (6) An off-premises retail licensee may use a third-party delivery licensee to deliver beer and table
8 wine as provided in [section 1 of House Bill No. 969].

9 (7) A grocery store with a license to sell beer and table wine in original packaging may apply to the
10 department and pay a fee for an endorsement to, with the licensee's own agents or employees who are 21
11 years of age or older, deliver beer and table wine in original packaging if the delivery includes groceries in their
12 original packaging or food that is prepared by the licensee at the licensee's premises. The purchase price of the
13 delivered beer and table wine may not exceed the purchase price of the delivered food. "

14
15 - END -