

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

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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."

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