

## 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; AMENDING SECTION 16-3-310, MCA; AND PROVIDING AN  
8 IMMEDIATE EFFECTIVE DATE."

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

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

13 **"16-3-310. Lapse of license for nonuse.** Any retail license issued pursuant to this code (including  
14 any retail license to sell beer and table wine for off-premises consumption) not actually used in a going  
15 establishment for 90 days ~~shall~~must automatically lapse. ~~Upon~~On determining the fact of nonuse for ~~such~~this  
16 period, the department shall cancel ~~such~~the license of record and no portion of the fee paid ~~therefor~~shall for it  
17 may be refundable. The provisions of this section ~~shall~~may not apply to the license of any licensee whose  
18 premises are operated on a seasonal basis ~~in connection with a bona fide dude ranch, resort, park hotel, tourist~~  
19 ~~facility, or like business,~~ provided ~~such~~the licensee has secured written authority from the department to close  
20 and has licensed premises for a specified period of greater than 90 days' duration. Should the department  
21 determine that ~~such~~a lapse was reasonably beyond the control of the licensee, then the lapse provision ~~shall~~  
22 may not apply."

23  
24 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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