

## 1 HOUSE BILL NO. 166

2 INTRODUCED BY D. HARVEY, E. MATTHEWS

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  
27 SHALL GRANT APPROVED NONUSE FOR UP TO 1 YEAR. THE DEPARTMENT MAY EXTEND THE NONUSE PERIOD IF THE  
28 LICENSEE PROVIDES EVIDENCE THAT THE DELAY IN USE IS FOR REASONS OUTSIDE THE LICENSEE'S CONTROL OR THAT

1 THE LICENSEE IS PROGRESSING ON A DEPARTMENT-APPROVED ALTERATION."

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

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