

1 SENATE BILL NO. 264

2 INTRODUCED BY K. REGIER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO AIRPORT ALL-BEVERAGES
5 LICENSES; ALLOWING A LICENSEE TO LEASE THE AIRPORT ALL-BEVERAGES LICENSE TO UP TO
6 THREE INDIVIDUALS OR ENTITIES; ESTABLISHING PROVISIONS FOR LICENSEES; AMENDING AN
7 AIRPORT'S MINIMUM TOTAL ANNUAL PASSENGERS TO QUALIFY FOR THE LICENSE; ELIMINATING
8 CURBSIDE PICKUP; AND AMENDING ~~SECTION SECTIONS~~ 16-3-312 AND 16-4-208, MCA."

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

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12 SECTION 1. SECTION 16-3-312, MCA, IS AMENDED TO READ:

13 "**16-3-312. Curbside pickup.** (1) Licensed entities and agency liquor stores provided under
14 subsection (3) may offer curbside pickup.

15 (2) Curbside pickup constitutes the sale of alcoholic beverages in original packaging, prepared
16 servings, or growlers that was ordered online or through the phone for pickup from the licensee or agency liquor
17 store during normal business hours and within 300 feet of the licensed premises or agency liquor stores,
18 including a drive-through window. Curbside pickup is intended for consumption somewhere other than the
19 pickup location. It is not intended for delivery to residences or other businesses, including but not limited to
20 restaurants or hotels.

21 (3) This only applies to licenses issued under 16-3-213, 16-3-214, 16-3-411, 16-4-105, 16-4-110,
22 16-4-115, 16-4-201, ~~16-4-208~~, 16-4-209, 16-4-213, 16-4-312, and 16-4-420, and agency liquor stores under 16-
23 2-101."

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25 **Section 2.** Section 16-4-208, MCA, is amended to read:

26 "**16-4-208. Airport all-beverages license.** (1) The department of revenue shall issue one all-
27 beverages license, to be known as a public airport all-beverages license, for use at each publicly owned airport
28 served by scheduled airlines and enplaning and deplaning a minimum total of ~~20,000~~ 5,000 passengers

1 annually when:

2 (a) application is made;

3 (b) upon finding that this license is justified by public convenience and necessity, including the
4 convenience and necessity of the public traveling by scheduled airlines; and

5 (c) following a hearing as provided in 16-4-207.

6 (2) Application must be made by the agency owning and operating the airport. The agency owning
7 and operating the airport may lease the airport all-beverages license to ~~an individual or entity~~ up to three
8 individuals or entities approved by the department.

9 (3) The lessee of an airport all-beverages license may purchase alcohol and the lease may be
10 based on the percentage of sales of alcoholic beverages by the lessee. THE LESSEE HAS THE SAME RIGHTS AND
11 PRIVILEGES AS AN AIRPORT ALL-BEVERAGE LICENSE ISSUED UNDER THIS SECTION, AND, IN THE EVENT OF A VIOLATION, IS
12 SUBJECT TO REPRIMAND, SUSPENSION OF THE LESSEE'S ALCOHOL OPERATIONS, OR A CIVIL PENALTY NOT TO EXCEED
13 \$1,500 AS PROVIDED FOR A RETAIL LICENSEE UNDER 16-4-406.

14 (3)(4) A public airport all-beverages license and all retail alcoholic beverage sales under it are subject
15 to all statutes and rules governing all-beverages licenses, EXCEPT FOR THE PROVISIONS FOR CURBSIDE PICKUP AS
16 ALLOWED UNDER 16-3-312.

17 (4)(5) The department of revenue shall issue a public airport all-beverages license to a qualified
18 applicant regardless of the number of all-beverages licenses already issued within the all-beverages license
19 quota area in which the airport is situated.

20 (5)(6) ~~A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in~~
21 ~~original packaging, prepared servings, or growlers."~~

22 - END -