

HOUSE BILL 311

Introduced by Winslow

1/22	Introduced
1/22	Referred to Business & Economic Development
1/22	First Reading
2/04	Hearing
2/04	Tabled in Committee

1 House BILL NO. 311
2 INTRODUCED BY Karyn Olson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
5 ISSUANCE OF RETAIL LIQUOR LICENSES TO ESTABLISHMENTS WITHIN
6 2,500 FEET OF A STATE OR FEDERAL HIGHWAY IF MORE THAN 30
7 PERCENT OF THE ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE
8 PREMISES WILL BE CONSUMED BY PERSONS NOT RESIDING WITHIN A
9 25-MILE RADIUS OF THE ESTABLISHMENT."

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

12 NEW SECTION. Section 1. Proximity to highways
13 restricted. (1) (a) Except as provided in subsections (2)
14 and (3), a retail license may not be issued pursuant to this
15 code to any business or enterprise outside of an
16 incorporated city if the business or enterprise is located
17 within 2,500 feet of a state or federal highway and more
18 than 30% of the alcoholic beverages to be consumed on the
19 premises will be consumed by individuals not residing within
20 a 25-mile radius of the business or enterprise. The distance
21 from the highway must be measured from the nearest edge of
22 the highway to the nearest entrance of the business or
23 enterprise. This section is a limitation upon the
24 department's licensing authority.

25 (b) There is a rebuttable presumption that more than

1 30% of the alcoholic beverages to be consumed on the
2 premises of any business or enterprise described in
3 subsection (1)(a) will be consumed by persons not residing
4 within a 25-mile radius of the business or establishment.
5 The burden of proof is on the license applicant to
6 demonstrate to the department's satisfaction that sales of
7 alcoholic beverages will not violate the provisions of
8 subsection (1)(a).

9 (2) The department may renew or approve the transfer of
10 a license for any establishment located in violation of
11 subsection (1) if the establishment was located on the site
12 prior to October 1, 1993.

13 (3) Subsection (1) does not apply to licenses for the
14 sale of beer, table wine, or both in the original package
15 for off-premises consumption.

16 NEW SECTION. Section 2. Codification instruction.
17 [Section 1] is intended to be codified as an integral part
18 of Title 16, chapter 3, part 3, and the provisions of Title
19 16, chapter 3, part 3, apply to [section 1].

-End-

HB 311
INTRODUCED BILL