

HOUSE BILL NO. 57

INTRODUCED BY P. NOONAN

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INCLUSION OF ALL LICENSE TYPES UNDER THE LIQUOR CONTROL PENALTY STATUTE; REQUIRING THAT THE DEPARTMENT OF JUSTICE INVESTIGATE THE ACTION OF ANY PERSON OR ENTITY HOLDING AN ALCOHOLIC BEVERAGE LICENSE, EXCEPT FOR A HOLDER OF A CONNOISSEUR'S LICENSE, UPON A WRITTEN COMPLAINT; AND AMENDING SECTION 16-4-406, MCA."

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

Section 1. Section 16-4-406, MCA, is amended to read:

"16-4-406. Renewal -- suspension or revocation -- penalty. (1) ~~The~~ Except as provided in subsection (3), the department shall upon a written, ~~verified~~ complaint of a person request that the department of justice investigate the action and operation of a brewer, winery, beer importer, distiller, wholesaler, or retailer, or any other person or business licensed or registered under this code.

(2) Subject to the opportunity for a hearing under the Montana Administrative Procedure Act, if the department, after reviewing admissions of the licensee or receiving the results of the department of justice's or a local law enforcement agency's investigation, has reasonable cause to believe that a licensee has violated a provision of this code or a rule of the department, it may, in its discretion and in addition to the other penalties prescribed:

- (a) reprimand a licensee;
- (b) proceed to revoke the license of the licensee;
- (c) suspend the license for a period of not more than 3 months;
- (d) refuse to grant a renewal of the license after its expiration; or
- (e) impose a civil penalty not to exceed \$1,500.

(3) This section does not apply to an individual holding a connoisseur's license provided for in 16-4-901."

- END -