

OREGON LIQUOR CONTROL COMMISSION
DIRECT SHIPPER PERMIT FOR LICENSEES OUTSIDE OF OREGON
APPLICATION AND AGREEMENT

Permit Fee: \$50.00 Permit term: 1 year (expires 12/31 each year)

Eligibility requirements: please mark the box or boxes that describe the license you hold.

- My license authorizes the manufacture of wine or cider.
- My license authorizes the sale of wine or cider produced only from grapes or other fruit grown under my control.
- My license authorizes the sale of wine or cider at retail for consumption off the license premises.

Your permit will not be issued until we receive the following:

- **Copy of your home state license (enclose with application)**
- **\$50.00 fee (enclose check or money order made payable to OLCC)**
- **\$1000 minimum bond (see Information Memo regarding bond)**

Applicant Name: _____

Trade Name: _____

Business address: _____

City/State/Zip Code: _____

Mailing address: _____

City/State/Zip Code: _____

Same Day Delivery of Wine or Cider

- By checking this box I am requesting approval to provide same day delivery of wine or cider to Oregon Residents. I understand that I may make such deliveries only as described in OAR 845-006-0392 (see 2nd page). I certify that I have read and will follow the rule.

The applicant or authorized corporate officer or member of a partnership or limited liability company must sign this application.

Signature: _____ Date: _____

(I acknowledge by my signature that I have read the Information Memo and agree to abide by the guidelines of this permit)

Phone: _____ Fax: _____

**RETURN TO: OREGON LIQUOR CONTROL COMMISSION
PO BOX 22297, MILWAUKIE, OR 97269-2297
PHONE: (503) 872-5123 FAX: (503) 872-5018**

845-006-0392

Requirements for Direct Shipment of Wine and Cider to a Resident of Oregon

(1) A person may sell and ship wine or cider to a resident of Oregon only if the person holds:

(a) A valid Direct Shipper Permit and holds a license issued by this state or another state that authorizes the person to hold a Direct Shipper Permit; or

(b) An off-premises sales license issued by the Commission.

(2) A person holding a Direct Shipper Permit must ship not more than a total of two cases of wine or cider containing not more than nine liters per case per month to a resident of Oregon who is at least 21 years of age.

(3) A person holding a Direct Shipper Permit or an off-premises sales license must retain a record for a minimum of eighteen months of the amount of alcohol contained in the shipment to the resident.

(4) A person holding a Direct Shipper Permit or an off-premises sales license must ship:

(a) Only wine or cider and only in manufacturer-sealed containers;

(b) Only to a resident of Oregon who is at least 21 years of age and only if the wine or cider is for personal use and not for the purpose of resale;

(c) Only for delivery to a resident who is not visibly intoxicated at the time of receiving the alcohol;

(d) The product in a container that is conspicuously labeled with the words "Contains alcohol: signature of person age 21 years or older required for delivery" or similar language approved by the Commission;

(e) Only pursuant to an order for the wine or cider that is received by the permit holder or licensee prior to shipment of the alcohol;

(f) Only for next-day delivery, unless the permit holder or licensee has been approved for same-day delivery; and

(g) Only to a home or business where the home or business has a permanent street address.

(5) If the permit holder or licensee ships via a for-hire carrier, the permit holder and licensee must use a for-hire carrier with a plan approved by the Commission under OAR 845-005-0424 and must comply with sections (2), (3), and (4) of this rule, as applicable.

(6) If the permit holder or licensee does not use a for-hire carrier, in addition to complying with sections (2), (3), and (4) of this rule, as applicable, the person making the delivery of the wine or cider must:

(a) Be age 18 or over;

(b) Verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;

(c) Determine that the person receiving the alcohol is not visibly intoxicated; and

(d) Collect information that must be retained by the permit holder or licensee for a minimum of eighteen months from the date of delivery of the alcohol to the resident. The information may be collected and retained electronically (if the permit holder or licensee so chooses) and must include:

(A) The date and time the alcohol was delivered to the resident;

(B) The name or information that can be used to determine the name of the person delivering the alcohol to the resident; and

(C) The name, signature, and delivery address of the person receiving the alcohol.

(7) Same-day delivery for a permit holder. If a permit holder has also obtained approval to make same-day delivery of wine or cider, in addition to complying with sections (2), (3), (4), and either (5) or (6) of this rule, the permit holder must receive the order from the resident no later than 4:00 pm on the day the order is delivered, ensure that the wine and cider is delivered before 9:00 pm, and deliver not more than a total of two cases of wine or cider containing not more than nine liters per case per day to a resident of Oregon (and must also follow section (2) of this rule).

(8) Same-day delivery for a licensee. If a licensee has also obtained approval to make same-day delivery of wine or cider, in addition to complying with sections (3), (4), and either (5) or (6) of this rule, the licensee must:

(a) Receive the order from the resident no later than 4:00 pm on the day the order is delivered, ensure that the wine and cider is delivered before 9:00 pm, and deliver not more than a total of two cases of wine or cider containing not more than nine liters per case per day to a resident of Oregon; or

(b) Receive the order from the resident no later than 4:00 pm on the day the order is delivered, ensure that the wine and cider is delivered before 9:00 pm, and may deliver an unlimited amount of wine or cider if the alcohol accounts for no more than 25 percent of the retail cost of the order (at least 75 percent of the retail cost of the order must be items other than alcohol); or

(c) Receive the order from the resident no later than 9:00 am on the day the order is delivered, ensure that the wine and cider is delivered before 9:00 pm, and may deliver an unlimited amount of wine or cider.

(9) A permit holder must:

(a) Allow the Commission to audit the permit holder's records of wine and cider shipments to Oregon residents upon request and shall make those records available to the Commission in Oregon no later than 60 days after the Commission mails the notice;

(b) Report to the Commission all shipments of wine or cider made to a resident of Oregon under the permit as required by ORS Chapter 473. The report must be made in a form prescribed by the Commission; and

(c) Timely pay to the Commission all taxes imposed under ORS Chapter 473 on wine and cider sold and shipped directly to a resident of Oregon under the permit. For the purpose of the privilege tax imposed under ORS Chapter 473, all wine or cider sold and shipped pursuant to a direct shipper permit is sold in this state. The permit holder, not the purchaser, is responsible for the tax.

(10) If the permit holder is located in a state outside of Oregon, it consents to the jurisdiction of the Commission and the courts of this state for the purpose of enforcing the provisions of this rule and any related laws or rules.

(11) A violation of section (9) of this rule is a Category IV violation. A violation of any other section of this rule is a Category III violation. In lieu of a criminal citation, the Commission may assess an administrative penalty for shipping wine or cider without a valid Direct Shipper Permit in violation of section (1) of this rule against any Oregon license held by the shipper, including a Certificate of Approval issued pursuant to ORS 471.289.

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.186 & 471.730(1) & (5)

Stats. Implemented: ORS 471.186, 471.282 & 473

Hist.: OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08; OLCC 8-2008, f. 6-12-08, cert. ef. 6-29-08

DIRECT SHIPPER PERMIT INFORMATION MEMO

OREGON LIQUOR CONTROL COMMISSION WHOLESALE & MANUFACTURING INFORMATION PROGRAM

- PRIVILEGES:** This permit allows the holder to ship wine or cider directly to Oregon consumers.
- QUALIFICATIONS:** The following are eligible to obtain a Direct Shipper Permit:: a person that holds a license issued by Oregon or another state within the United states that authorizes the manufacture of wine or cider; a person that holds a license issued by Oregon or another state within the United States that authorizes the sale of wine or cider produced only from grapes or other fruit grown under the control of the person; a person that holds a license authorizing the sale of wine or cider at retail for consumption off the licensed premises; or a nonprofit trade association that holds a temporary sales license under ORS 471.190 and that has a membership primarily composed of persons holding winery licenses issued under ORS 471.223 or grower sales privilege licenses issued under ORS 471.227. **Applicants need to obtain a minimum bond of \$1,000. Your bond form will automatically be faxed or mailed to you after we receive your application and permit fee. If you have questions about the bond contact Debbie Amsberry at 1-800-452-6522, extension 5162 or 503-872-5162.**
- LIMITATIONS:** Oregon adult residents (21 yrs. of age or older) may receive up to two cases of wine or cider per month containing not more than 9 liters per case, for personal use and not for the purpose of resale.
- SHIPPING REQUIREMENTS:** Wine or cider may be shipped or transported only by the employees of the Direct Shipper permit or by a “for hire” carrier that has a Commission-approved delivery plan. A list of Commission approved “for hire” carriers is available on the OLCC website.
- SHIPPING LABEL:** Direct Shipper permit holders are responsible for properly labeling the shipping container of any wine or cider sent to a consumer in Oregon. The law requires that the shipping container be ***prominently*** labeled with the following language:
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- CONTAINS ALCOHOL –
Signature of person age 21 years or older
required for delivery.**
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- Failure to properly label containers or verify age upon delivery may result in the cancellation of your Direct Shipper permit***
- RECORD KEEPING,
TAXES AND REPORTING
REQUIREMENTS:** Direct Shipper Statements must be filed by the 20th of the month for the previous month’s activity with the Privilege Tax Department. The Privilege Tax department will mail all forms within 30 days of issuance of the Permit. Any questions regarding reporting requirements need to be directed to Mike Matie at 503-872-5166. Permit holder must maintain records of shipments for a minimum of 18 months.
- QUESTIONS:** Call Lanette Clayton, License Process at 503-872-5123 or email lanette.clayton@state.or.us