

**OREGON LIQUOR CONTROL COMMISSION**  
**WINE AND CIDER DELIVERY PRIVILEGE**



**Application for Same-Day Delivery to Oregon Residents**

**INSTRUCTIONS:** Complete this form and mail it to: OLCC License Process Unit, P.O. Box 22297, Milwaukie, OR 97269-2297

Off-Premises sales licensees may apply for this privilege.

*Please Print or Type*

**Licensee:** \_\_\_\_\_ **Type of License:** \_\_\_\_\_

**Trade Name:** \_\_\_\_\_

**Business Location Address:** \_\_\_\_\_ **City/Zip Code:** \_\_\_\_\_

You may make same-day delivery of wine and cider only as allowed in Oregon Administrative Rule (OAR) 845-006-0392. Please note that you must receive approval from the OLCC prior to beginning the same-day delivery service.

I certify that I will follow OAR 845-006-0392 regarding the same-day delivery of wine and cider. (See entire rule on back of this form). I understand:

- I must keep records, for at least 18 months, of the amount of alcohol delivered to each Oregon resident.
- I may deliver only wine or cider and only in manufacturer-sealed containers.
- I may deliver wine or cider only for personal use and only to Oregon residents who are at least 21 years old and are not visibly intoxicated.
- The label must state that the package contains alcohol and that a signature of a person age 21 years or older is required for delivery.
- I will use an approved for-hire carrier or, if not, I will ensure that the deliverer is at least 18 years of age. The deliverer must verify the age of the recipient, determine that the recipient is not visibly intoxicated and must keep a record of the transaction by recording the date and time of delivery, the name of the deliverer and the name signature and delivery address of the recipient.
- I may only make a *same-day delivery* if I receive the order by 4:00 pm. I cannot make a *same-day delivery* after 9:00 pm. I understand that the following quantity limits apply to a *same-day delivery*:
  - I may deliver unlimited amounts of wine or cider if I receive the order before 9:00 am.
  - If I receive an order between 9:00 am and 4:00 pm, I cannot deliver more than two cases of wine (9 liters per case) to a resident per day, unless alcoholic beverages are 25% or less of the total retail cost of the order (at least 75% the order must be other items).

I understand I may be sanctioned if I or my employees do not follow the rules for same day delivery of wine or cider to Oregon residents. The sanction could include prohibiting me from making further deliveries.

**Licensee Name (print):** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>OLCC USE ONLY</b>	License Number: _____	Premises Number: _____
	Approved by: _____	Date: _____

**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