

For your information

The Oregon Liquor Control Commission has:

Amended
 Adopted
 Suspended

OAR 845-005-0424
PERMANENT

Effective Date: October 14, 2020

Note: **Bold and underlined** = new text; *italics and strikethrough* = deleted text

845-005-0424

Guidelines for Approval of a For-Hire Carrier's Plan for Delivery of Malt Beverages, Wine, ~~or Cider~~ or Distilled Spirits

The Commission will evaluate and may approve a for-hire carrier's plan to deliver malt beverages, wine, ~~and~~ *cider* **or distilled spirits** to a resident of Oregon ~~and licensees of the Commission~~.

(1) Delivery to a resident of Oregon. In order to deliver malt beverages, wine, ~~or~~ *cider* **or distilled spirits** to a resident of Oregon, a for-hire carrier must make application to the Commission upon forms to be furnished by the Commission and receive approval from the Commission before delivering any malt beverages, wine, ~~or~~ *cider* **or distilled spirits** to a resident of Oregon. The application shall include the for-hire carrier's plan for ensuring that:

- (a) Only persons age 18 or over will be used to deliver the alcohol to the resident;
- (b) The person used to deliver the alcohol will verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;
- (c) The person used to deliver the alcohol will determine that the person receiving the alcohol is not visibly intoxicated;
- (d) ~~If the alcohol is delivered on the same day the order is received, the alcohol must be delivered before 9:00 pm~~ **Deliveries of alcohol will be completed in accordance with the hours and allowable delivery locations in OAR 845-006-0392 and OAR 845-006-0396;**
- (e) ~~The alcohol is delivered only to a home or business where the home or business has a permanent street address;~~

~~(f)~~ **(e)** Any package containing alcohol 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; and

~~(g)~~ **(f)** Information is collected that must be retained by the for-hire carrier for a minimum of eighteen months from the date of delivering the alcohol. The information may be collected and retained electronically (if the carrier so chooses) and must include:

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

(B) The name or information which 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.

(D) The tradename and licensed or permitted address of the licensee or permittee that sold the alcohol for delivery to the resident.

~~(2) Delivery to a licensee of the Commission. In order to deliver malt beverages, wine or cider to a licensee of the Commission, a for-hire carrier must make application to the Commission upon forms to be furnished by the Commission and receive approval from the Commission before delivering any malt beverages, wine or cider to a licensee.~~

~~(3)~~ **(2)** A for-hire carrier:

(a) Must allow the Commission to audit the carrier’s records which are directly related to alcohol deliveries in Oregon upon request and shall make those records available to the Commission in Oregon. The for-hire carrier must make these records available to the Commission no later than 60 days after the Commission ~~mails~~ **sends** the notice **to the carrier**; and

(b) 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.

~~(4)~~ **(3)** The Commission may **suspend, revoke, or refuse** its approval of a for-hire carrier’s plan if the for-hire carrier fails to ~~follow the plan approved by the Commission or~~ comply with the provisions of this rule. A **suspension, revocation, or refusal** under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

Statutory/Other Authority: ORS 471, including 471.030, 471.040, 471.730(1) & (5)

Statutes/Other Implemented: ORS 471.282