

HOUSE BILL NO. 96

INTRODUCED BY E. BUTTREY

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOLIC BEVERAGES LAWS RELATING TO THE EXAMINATION OF LICENSED PREMISES; INCLUDING ADDITIONAL LICENSEES IN THE EXAMINATION PROCESS; AMENDING SECTION 16-6-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-6-103, MCA, is amended to read:

"16-6-103. Examination of ~~retailer's~~ licensee's or agency liquor store premises and carriers' cars and aircraft -- access control systems permitted -- rulemaking. (1) The ~~department,~~ department of justice, or its representative or a peace officer may at any time examine the premises of a ~~retail~~ licensee or agency liquor store to determine whether the ~~law~~ laws of Montana and the rules of the department or the department of justice are being complied with and also may inspect cars or aircraft of any common carrier system licensed under this code.

(2) (a) Nothing in subsection (1) prohibits a retail licensee who also is licensed under Title 23 from implementing an access control system that meets the requirements of this section.

(b) A retail licensee implementing an access control system shall notify the department and local law enforcement prior to the date the licensee begins using an access control system. A licensee shall also notify the department and local law enforcement when the licensee ceases to use the access control system.

(3) The department may adopt rules to implement this section.

(4) For the purposes of this section, the following definitions apply:

(a) "Access control system" means any system that temporarily restricts access to the licensed premises during business hours by locking the main entrance and requiring a person to gain access by approval of the licensee or employees of the licensee. An access control system must provide immediate access to the department or its representative or a local peace officer.

1 (b) "Immediate access" means that the department or its representative or a local peace officer
2 who is identified as such is not unreasonably denied access to the premises."

3

4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

5 - END -