

IN THE SENATE

SENATE BILL NO. 1253

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE THAT
MANUFACTURING OR BOTTLING FUNCTIONS OF A WINERY SHALL NOT BE SUBJECT
TO SUSPENSION, REVOCATION OR NONRENEWAL OF A LICENSE AND TO PROVIDE AN
EXCEPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-1331, Idaho Code, be, and the same is hereby
amended to read as follows:

23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND
PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse
to renew a retail wine license, wine by the drink license, wine distributor's
license, wine importer's license, winery license or vintner's license is-
sued pursuant to the terms of this chapter for any violation of or failure to
comply with the provisions of this chapter or rules and regulations promul-
gated by the director or the state tax commission pursuant to the terms and
conditions of this chapter. Manufacturing or bottling functions of a winery
shall not be subject to suspension, revocation or nonrenewal of a license,
except for violations of law directly related to the manufacturing or bot-
tling activities of the winery. Procedures for the suspension, revocation
or refusal to grant or renew licenses issued under this chapter shall be in
accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) When the director determines to suspend such license, the affected
licensee may petition the director prior to the effective date of the sus-
pension requesting that a monetary payment be allowed in lieu of the license
suspension. If the director determines such payment to be consistent with
the purpose of the laws of the state of Idaho and is in the public interest, he
shall establish a monetary payment in an amount not to exceed five thousand
dollars (\$5,000). The licensee may reject the payment amount determined by
the director, and instead be subject to the suspension provisions of subsec-
tion (1) of this section. Upon payment of the amount established, the direc-
tor shall cancel the suspension period. The director shall cause any payment
to be paid to the treasurer of the state of Idaho for credit to the state's
general account in the state operating fund.

(3) The suspension of a license for the sale of liquor or beer shall au-
tomatically result in the suspension of any license for the sale of wine held
by the same licensee and issued for the same premises or location. Such ad-
ditional suspension shall be equal in length to and run concurrently with the
period of the original suspension.

(4) When a proceeding to revoke or suspend a license has been or is about
to be instituted, during the time a renewal application of such license is
pending before the director, the director shall renew the license notwith-
standing the pending proceedings, but such renewed license may be revoked or

1 suspended without hearing if and when the previous license is, for any rea-
2 son, revoked or suspended.