

House Bill 1724

By: Representatives Epps of the 131<sup>st</sup> and Skipper of the 137<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 3-4-49 of the Official Code of Georgia Annotated, relating to the  
2 determination of location of a retail package store licensed by municipal or county governing  
3 authorities, so as to authorize local governing authorities to waive a certain restriction under  
4 certain conditions; to provide an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 3-4-49 of the Official Code of Georgia Annotated, relating to the determination  
9 of location of a retail package store licensed by municipal or county governing authorities,  
10 is amended by striking subsection (a) of said Code section and inserting in lieu thereof the  
11 following:

12 "(a) A municipality or county may adopt all reasonable rules and regulations, consistent  
13 with this title, as may fall within the police powers of the municipality or county to regulate  
14 any business described in this chapter; provided, however, that on and after July 1, 1997,  
15 no municipality or county shall authorize the location of a new retail package liquor  
16 licensed place of business or the relocation of an existing retail package liquor licensed  
17 place of business engaged in the retail package sales of distilled spirits within 500 yards  
18 of any other business licensed to sell package liquor at retail, as measured by the most  
19 direct route of travel on the ground; provided, however, that this limitation shall not apply  
20 to any hotel licensed under this chapter. The restriction provided for in this subsection  
21 shall not apply at any location for which a license has been issued prior to July 1, 1997, nor  
22 to the renewal of such license. Nor shall the restriction of this subsection apply to any  
23 location for which a new license is applied for if the sale of distilled spirits was lawful at  
24 such location at any time during the 12 months immediately preceding such application.  
25 Before December 31, 2002, the restriction provided for in this subsection may be waived  
26 by a municipal or county governing authority, which, as of January 1, 2002, has five or

1 fewer package liquor licenses currently in issuance, in the case of a retail licensee who is  
2 relocating a previously licensed business within the same local jurisdiction where there is  
3 no change in ownership of the business at the time of such relocation. After December 31,  
4 2002, such waiver of the restriction of this subsection shall not be authorized."

5 **SECTION 2.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law  
7 without such approval.

8 **SECTION 3.**

9 All laws and parts of laws in conflict with this Act are repealed.