

Senate Bill 56

By: Senators Unterman of the 45th, Staton of the 18th, Balfour of the 9th and Harp of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated,
2 relating to the state license requirements and regulations for the distribution and sale of wine,
3 so as to provide for the direct shipment of certain quantities of wine to Georgia residents over
4 the age of 21; to provide for the issuance of wine direct shipper licenses if certain
5 requirements are met; to prohibit certain actions by wine direct shipper licensees; to provide
6 for wine direct shipper license renewals; to provide for powers, duties, and authority of the
7 state revenue commissioner; to provide for civil and criminal violations; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 2 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to the
12 state license requirements and regulations for the distribution and sale of wine, is amended
13 by adding a new Code section to read as follows:

14 "3-6-33.

15 (a) Notwithstanding any other provision of this title to the contrary, any person currently
16 licensed in this or any other state as a winery or a manufacturer, wholesale dealer, importer,
17 or retail dealer of wine who obtains a wine direct shipper license, as provided for in this
18 Code section, may ship up to 24 nine-liter cases of wine annually directly to a resident of
19 Georgia, who is at least 21 years of age, for such resident's personal use and not for resale.

20 (b) Before sending any shipment to a resident of Georgia, the wine direct shipper licensee
21 must first:

- 22 (1) File an application with the commissioner;
23 (2) Pay a \$100.00 registration fee;
24 (3) Provide to the commissioner a true copy of its current alcoholic beverage license
25 issued in this or any other state; and
26 (4) Obtain from the commissioner a wine direct shipper license.

- 1 (c) All wine direct shipper licensees shall:
- 2 (1) Not ship more than 24 nine-liter cases of wine annually to any resident in this state
3 for such resident's personal use and not for resale;
- 4 (2) Not ship any wine to any person who is not at least 21 years of age;
- 5 (3) Not ship to any address in an area identified by the commissioner as a county,
6 municipality, or unincorporated area of a county where the sale of wine is prohibited;
- 7 (4) Ensure that all containers of wine shipped directly to a resident in this state are
8 conspicuously labeled with the words 'CONTAINS ALCOHOL: SIGNATURE OF
9 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY';
- 10 (5) If located outside this state, report to the commissioner annually the total amount of
11 wine shipped into this state during the preceding calendar year;
- 12 (6) If located outside of this state, annually pay to the commissioner all sales taxes and
13 excise taxes due on sales to residents of this state in the preceding calendar year, the
14 amount of such taxes to be calculated as if the sale were in this state at the location where
15 delivery is made;
- 16 (7) If located within this state, collect all excise taxes imposed by Code Section 3-6-50,
17 remit such taxes in the same manner as licensed wine wholesalers, and accompany such
18 remittance with such reports, documentation, and other information as may be required
19 by the commissioner;
- 20 (8) Permit the commissioner to perform an audit of the wine direct shipper licensee's
21 records upon request; and
- 22 (9) Be deemed to have consented to the jurisdiction of the commissioner or any other
23 state agency and the state courts concerning enforcement of this Code section and any
24 related laws, rules, or regulations.
- 25 (d) The wine direct shipper licensee may annually renew its license with the commissioner
26 by paying a \$50.00 renewal fee and providing the commissioner a true copy of its current
27 alcoholic beverage license issued in this or any other state.
- 28 (e) The commissioner may promulgate rules and regulations to effectuate the purposes of
29 this Code section.
- 30 (f) Except as otherwise provided in this title, shipments of wine direct to residents in this
31 state from a person who does not possess a current wine direct shipper license from the
32 commissioner are prohibited and any person who knowingly makes, participates in,
33 transports, imports, or receives such a shipment shall, upon conviction thereof, be guilty
34 of a misdemeanor. Without limitation on any punishment or remedy, criminal or civil, any
35 person who knowingly makes, participates in, transports, or imports or receives such a
36 shipment commits an unfair trade practice and shall be subject to the provisions of Article
37 15 of Chapter 1 of Title 10."

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SECTION 2.

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