

House Bill 159

By: Representatives Willard of the 49th, Geisinger of the 48th, Lindsey of the 54th, Benfield of the 85th, and Wilkinson of the 52nd

**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 **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,
17 importer, or retail dealer of wine who obtains a wine direct shipper license, as provided for
18 in this Code section, may ship up to 24 nine-liter cases of wine annually directly to a
19 resident of Georgia, who is at least 21 years of age, for such resident's personal use and not
20 for resale.

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

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

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

1 shipment commits an unfair trade practice and shall be subject to the provisions of Article
2 15 of Chapter 1 of Title 10."

SECTION 2.

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