

The House Committee on Regulated Industries offers the following substitute to HB 1061:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine,
2 so as to amend certain provisions relating to special order shipping licenses; to limit the
3 number of cases of wine shipped to any one consumer; to provide for certain taxes to be paid
4 by the shipper of the wine; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, is amended
9 by revising Code Section 3-6-31, relating to special order shipping license requirements and
10 regulations, as follows:

11 "3-6-31.

12 (a) Notwithstanding any other provision of this title to the contrary, a shipper or a
13 manufacturer, without complying with the provisions of Code Section 3-6-22, may be
14 authorized to make direct shipments of wine to consumers in this state upon obtaining a
15 special order shipping license from the commissioner.

16 (b) A special order shipping license shall only be issued to a ~~person~~ shipper or a
17 manufacturer who holds a valid federal basic wine manufacturing permit ~~and who is not~~
18 ~~otherwise licensed under this title~~, upon compliance with all applicable provisions of this
19 title and the regulations promulgated pursuant to this title, and upon payment of the license
20 fee designated for retail dealers in Code Section 3-6-20.

21 (c) A special order shipping license shall entitle the shipper or manufacturer to ship wine
22 upon order directly to consumers for personal or household use in this state without
23 designating wholesalers as required by Code Section 3-6-22, provided that:

24 (1) The holder of a special order shipping license shall only ship brands of wine for
25 which he or she has submitted labels to the commissioner;

1 (2) No holder of a special order shipping license shall be permitted to ship in excess of
 2 ~~50~~ 12 cases of wine of one brand or a combination of brands into this state or in excess
 3 of five cases of wine of one brand or a combination of brands to any one consumer or
 4 address per calendar year;

5 (3) Before accepting an order from a consumer in this state, the holder of a special order
 6 shipping license shall require that the person placing the order state affirmatively that he
 7 or she is of the age required by Code Section 3-3-23 and shall verify the age of such
 8 person placing the order either by the physical examination of an approved government
 9 issued form of identification or by utilizing an Internet based age and identification
 10 verification service;

11 ~~(4) No holder of a special order shipping license shall accept any order for any wine that~~
 12 ~~is otherwise registered and designated pursuant to this title or from a person who is~~
 13 ~~licensed under~~ A special order shipping license shall not authorize the shipment of any
 14 wine to any premises licensed to sell alcoholic beverages pursuant to this title; and

15 (5) Every shipment of wine by the holder of a special order shipping license shall be
 16 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier
 17 delivering such shipment shall obtain the signature of an adult as a condition of delivery.

18 (d) The failure to comply strictly with the requirements of this Code section, Code Section
 19 3-3-23, and all applicable provisions of this title and regulations promulgated pursuant to
 20 this title shall be grounds for the revocation of a special order shipping license or other
 21 disciplinary action by the commissioner. Upon revocation of a special order shipping
 22 license for shipment of wine to a person not of age as required by Code Section 3-3-23,
 23 such ~~person~~ shipper or manufacturer shall not be issued any special order shipping license
 24 pursuant to this Code section for a period of five years from the date of revocation.

25 (e) The holder of a special order shipping license shall collect all excise taxes imposed by
 26 Code Section 3-6-50, shall remit such taxes in the same manner as licensed wine
 27 wholesalers, and shall accompany such remittance with such reports, documentation, and
 28 other information as may be required by the commissioner. In addition, an applicant for
 29 and a holder of a special order shipping license, as a condition of receiving and holding a
 30 valid license, shall:

31 (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale
 32 shipped to a consumer in Georgia;

33 (2) Accompany each remittance with such sales tax reports, documentation, and other
 34 information as may be required by the commissioner; and

35 (3) Consent to enforcement of the provisions of this Code section by the department and
 36 to the jurisdiction of the courts of Georgia for the collection of such taxes or other
 37 moneys owing, including interest and penalties.

- 1 (f) The commissioner may promulgate such rules and regulations as are necessary and
2 appropriate for the enforcement of this Code section."

3 **SECTION 2.**

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