

House Bill 1061 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Stephens of the 164<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Amerson of the 9<sup>th</sup>, Williams of the 4<sup>th</sup>, Tumlin of the 38<sup>th</sup>, and others

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 define a term;  
3 to limit the number of cases of wine shipped to any one consumer; to provide for certain  
4 taxes to be paid by the shipper of the wine; to provide for related matters; to repeal  
5 conflicting laws; and for 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) For purposes of this Code section, the term 'winery' means any maker or producer of  
13 wine whether in this state or in any other state, who holds a valid federal basic wine  
14 manufacturing permit.

15 ~~(a)~~(b) Notwithstanding any other provision of this title to the contrary, ~~a shipper, without~~  
16 ~~complying with the provisions of Code Section 3-6-22,~~ any shipper which is also a winery  
17 may be authorized to make direct shipments of wine to consumers in this state, without  
18 complying with the provisions of Code Section 3-6-22, upon obtaining a special order  
19 shipping license from the commissioner pursuant to this Code section.

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

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

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

6 (2) No holder of a special order shipping license shall be permitted to ship in excess of  
 7 ~~50~~ 12 standard cases of wine of one brand or a combination of brands into this state ~~or~~  
 8 ~~in excess of five cases of wine of one brand or a combination of brands to any one~~  
 9 consumer or address per calendar year;

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

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

20 (5) Every shipment of wine by the holder of a special order shipping license shall be  
 21 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier  
 22 delivering such shipment shall ~~obtain~~ be responsible for obtaining the signature of an  
 23 adult who is at least 21 years of age as a condition of delivery.

24 ~~(d)~~(e) The failure to comply strictly with the requirements of this Code section, Code  
 25 Section 3-3-23, and all applicable provisions of this title and regulations promulgated  
 26 pursuant to this title shall be grounds for the revocation of a special order shipping license  
 27 or other disciplinary action by the commissioner. Upon revocation of a special order  
 28 shipping license for shipment of wine to a person not of age as required by Code Section  
 29 3-3-23, such ~~person~~ winery shall not be issued any special order shipping license pursuant  
 30 to this Code section for a period of five years from the date of revocation.

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

- 1     (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale  
2     shipped to a consumer in Georgia;  
3     (2) Accompany each remittance with such sales tax reports, documentation, and other  
4     information as may be required by the commissioner; and  
5     (3) Consent to enforcement of the provisions of this Code section by the department and  
6     to the jurisdiction of the courts of Georgia for the collection of such taxes or other  
7     moneys owing, including interest and penalties.  
8     ~~(f)~~(g) The commissioner may promulgate such rules and regulations as are necessary and  
9     appropriate for the enforcement of this Code section."

10

**SECTION 2.**

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