

House Bill 1243 (AS PASSED HOUSE AND SENATE)

By: Representatives Lindsey of the 54th, Willard of the 49th, and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 9 of Title 3 of the Official Code of Georgia Annotated, relating to sale of alcoholic beverages by public carriers and nonprofit organizations, so as to change certain provisions relating to the issuance of temporary permits for sale of alcoholic beverages by nonprofit organizations; to increase the number of days and number of permits that the commissioner may issue; to increase fees for temporary permits; to provide for nonprofit organizations to conduct auctions of wine donated by certain persons under certain circumstances; to provide for procedure; to define a term; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 9 of Title 3 of the Official Code of Georgia Annotated, relating to sale of alcoholic beverages by public carriers and nonprofit organizations, is amended by revising Code Section 3-9-3, relating to issuance of temporary permits for sale by nonprofit civic organizations of alcoholic beverages for consumption only on premises, as follows:

"3-9-3.

(a) Upon the filing of an application and payment of a fee of \$25.00 by a bona fide nonprofit civic organization, the commissioner may issue a permit authorizing the organization to sell alcoholic beverages for consumption ~~only~~ on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed ~~one day~~ three days, subject to any law regulating the time for selling such beverages.

(b) No more than ~~two~~ six permits may be issued to an organization in any one calendar year pursuant to this Code section.

(c) Permits issued pursuant to this Code section shall be valid only for the place specified in the permit. No permit may be issued unless the sale of distilled spirits, wine, or malt beverages is lawful in the place for which the permit is issued."

SECTION 2.

Said article is further amended by adding two new Code sections to read as follows:

"3-9-4.

(a) Upon the filing of an application and payment of a fee of \$25.00 by a bona fide nonprofit civic organization, the commissioner may issue a special use temporary permit authorizing a bona fide nonprofit civic organization to auction wine in sealed containers only for a period not to exceed three days, subject to any law regulating the time for selling wine.

(b) No more than six special use temporary permits may be issued to a bona fide nonprofit civic organization in any calendar year.

(c) Special use temporary permits issued pursuant to this Code section shall be valid only for the location specified in the permit. No special use temporary permit may be issued unless local licensing authorities have issued to the bona fide nonprofit civic organization a permit or approval for the sale of wine at the location specified in the special use temporary permit. Prior to the commencement of the event described in the special use temporary permit, the bona fide nonprofit civic organization shall furnish to the commissioner a detailed inventory list of the wine to be auctioned including:

(1) The name, address, telephone number, and taxpayer identification number of the person who furnishes the wine for the event; and

(2) The type, brand, label, and quantity of each wine to be sold at auction.

(d) Bona fide nonprofit civic organizations which hold a special use temporary permit issued pursuant to this Code section may auction for off-premises consumption wine in sealed containers, which has been donated to the bona fide nonprofit civic organization by a person who does not currently hold a license that has been issued by the department pursuant to this title, wine which has been donated by a Georgia licensed retailer, or wine which has been donated or purchased from a Georgia licensed wine wholesaler. The bona fide nonprofit civic organization may ship or otherwise transport to the location specified in the special use temporary permit wine donated by a person who does not currently hold a license that has been issued by the department pursuant to this title or wine donated by a Georgia licensed retailer. Georgia excise tax shall be paid to the department on any donated wine. If the bona fide nonprofit civic organization cannot verify, within ten days of the conclusion of the permitted event, that Georgia excise tax for the wine was previously paid to the department, the bona fide nonprofit civic organization shall pay to the department the appropriate excise tax as required by law.

1 3-9-5.

2 As used in this article, the term 'bona fide nonprofit civic organization' means an entity
3 which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. Sections
4 501(c), 501(d), or 501(e)."

5 **SECTION 3.**

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

8 **SECTION 4.**

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