

House Bill 1350

By: Representatives Williams of the 4th, Dickson of the 6th, and Jerguson of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to change certain provisions relating to the filing of bonds with applications for renewal
3 of licenses; to change certain provisions relating to tax payment and reporting by licensees;
4 to provide a date by which taxes must be paid for distilled spirits sold by the package or
5 disposed of by wholesale dealers; to declare certain distilled spirits to be contraband; to
6 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended by revising Code Section 3-4-20, relating to levy and amount of state occupational
12 license tax upon distillers, manufacturers, brokers, importers, wholesalers, fruit growers, and
13 retail dealers, as follows:

14 "3-4-20.

15 (a) An annual occupational license tax is imposed upon each distiller, manufacturer,
16 broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state,
17 as follows:

- 18 (1) Upon each distiller and manufacturer \$ 1,000.00
- 19 (2) Upon each wholesale dealer 1,000.00
- 20 (3) Upon each importer 1,000.00
- 21 (4) Upon each fruit grower 500.00
- 22 (5) Upon each broker 100.00
- 23 (6) Upon each retail dealer 100.00

24 (b) The tax provided in this Code section shall be paid for each place of business operated.
25 Such tax shall be paid to the commissioner when the licensee assumes control of the place

26 of business and applies for any beverage alcohol license and annually thereafter as long as
 27 the business is operated."

28 **SECTION 2.**

29 Said title is further amended by revising Code Section 3-4-61, relating to tax payment and
 30 reporting, as follows:

31 "3-4-61.

32 (a) Except as may otherwise be authorized in this title, the state excise taxes imposed by
 33 this part shall be paid by the licensed wholesale dealer in distilled spirits.

34 ~~(b) The taxes shall be paid on or before the tenth day of the month following the calendar~~
 35 ~~month in which the beverages are sold or disposed of within the particular municipality or~~
 36 ~~county by the wholesale dealer.~~

37 ~~(c)~~(b) Each licensee responsible for the payment of the excise tax shall file a report
 38 itemizing for the preceding calendar month, by size and type of container, the exact
 39 quantities of distilled spirits sold during the month within the state. The licensee shall file
 40 the report with the commissioner.

41 ~~(d)~~(c) The wholesaler shall remit to the commissioner the tax imposed by the state on the
 42 ~~tenth~~ fifteenth day of the month following the calendar month in which ~~the sales were made~~
 43 distilled spirits were disposed of or sold.

44 ~~(e) In order to phase in the reporting system of excise tax payment for distilled spirits and~~
 45 ~~alcohol:~~

46 ~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who~~
 47 ~~made excise tax payments in respect of distilled spirits and alcohol sales in the State of~~
 48 ~~Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~
 49 ~~of 25 percent of said tax payments. This one-time advance shall be repaid in full by the~~
 50 ~~state in equal semiannual installments over the period of 24 months following August 1,~~
 51 ~~1993; except that, in the event wholesalers made payments as provided for in this~~
 52 ~~paragraph, the commissioner shall repay such wholesalers in the form of semiannual~~
 53 ~~credits against future tax liability;~~

54 ~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~
 55 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~
 56 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~
 57 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~
 58 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~
 59 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~
 60 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~
 61 ~~the 12 month period beginning with the report due on August 10, 1993;~~

62 ~~(3) Nothing in this subsection shall be construed to impose an additional excise tax on~~
 63 ~~distilled spirits and alcohol held in inventory by wholesalers and retailers above the~~
 64 ~~excise tax paid prior to February 1, 1993, and~~

65 ~~(4) The commissioner shall adopt rules and regulations for the implementation of a~~
 66 ~~reporting method of paying distilled spirits and alcohol excise taxes as well as the~~
 67 ~~elimination of the use of any type of distilled spirits and alcohol stamp. The~~
 68 ~~commissioner shall have full authority to allow credits or make refunds as provided for~~
 69 ~~in this subsection.~~

70 (d) The commissioner shall adopt rules and regulations for the implementation of a
 71 reporting method of paying distilled spirits and alcohol excise taxes."

72 **SECTION 3.**

73 Said title is further amended by adding a new subsection to Code Section 3-4-80, relating to
 74 the levy of tax on the sale of distilled spirits by the package, the rate of tax and manner of
 75 imposition, and the imposition of tax by both county and municipality located within a
 76 county, to read as follows:

77 "(d) The taxes shall be paid on or before the tenth day of the month following the calendar
 78 month in which the alcoholic beverages are sold or disposed of within the particular
 79 municipality or county by the wholesale dealer."

80 **SECTION 4.**

81 Said title is further amended by revising Code Section 3-4-111, relating to the sale by
 82 wholesalers to licensees and the purchase by licensees from wholesalers, as follows:

83 "3-4-111.

84 (a) Those persons who are duly licensed as wholesalers of distilled spirits under this title
 85 may sell distilled spirits at wholesale prices to any person or persons licensed as provided
 86 in this article. Persons licensed under this article may purchase distilled spirits from a
 87 licensed wholesaler at wholesale prices.

88 (b) Any distilled spirits possessed, sold, or offered for sale by a retail dealer or retail
 89 consumption dealer which were purchased or otherwise acquired from any person other
 90 than a wholesale dealer authorized to do business under this chapter are declared to be
 91 contraband and shall be seized and disposed of by the commissioner in the manner so
 92 provided in this title."

SECTION 5.

93

94 Said title is further amended by revising Code Section 3-4-111.1, relating to occupational
95 license tax upon retail consumption dealers and the bond required of applicants for a retail
96 consumption dealer's license, as follows:

97 "3-4-111.1.

98 (a) An annual occupational license tax in the amount of \$100.00 is imposed upon each
99 retail consumption dealer in this state.

100 (b) ~~Every applicant for a retail consumption dealer's license shall file with the~~
101 ~~commissioner, along with each application, a bond conditioned to pay all sums which may~~
102 ~~become due by the applicant to this state as taxes, license fees, or otherwise by reason of~~
103 ~~or incident to the operation of the business for which licensure is sought and conditioned~~
104 ~~in order to pay all penalties which may be imposed upon the applicant for failure to comply~~
105 ~~with the laws, rules, and regulations pertaining to distilled spirits. Surety for the bond shall~~
106 ~~be a surety company licensed to do business in this state and the bond shall be in such form~~
107 ~~as may be required by the commissioner. Such bond shall be in the amount of \$2,500.00.~~
108 The tax provided in this Code section shall be paid for each place of business operated. It
109 shall be paid to the commissioner when the licensee assumes control of the place of
110 business and applies for any beverage alcohol license and annually thereafter as long as the
111 business is operated."

SECTION 6.

112

113 Said title is further amended by revising Code Section 3-5-20, relating to levy and amount
114 of state occupational license tax upon malt beverage brewers, manufacturers, brokers,
115 importers, wholesalers, and retail dealers, as follows:

116 "3-5-20.

117 (a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker,
118 importer, wholesaler, and retail dealer of beer in this state, as follows:

- 119 (1) Upon each brewer \$ 1,000.00
- 120 (2) Upon each wholesale dealer 500.00
- 121 (3) Upon each importer 500.00
- 122 (4) Upon each broker 50.00
- 123 (5) Upon each retail dealer 50.00
- 124 (6) Upon each brewpub operator 1,000.00

125 (b) The tax provided in this Code section shall be paid on each place of business operated
126 and shall be paid to the commissioner when the licensee ~~enters~~ assumes control of the place

127 of business and applies for any beverage alcohol license and annually thereafter so as long
128 as the business is operated and conducted."

129 **SECTION 7.**

130 Said title is further amended by revising Code Section 3-6-20, relating to levy and amount
131 of tax upon wineries and retail dealers of wine, as follows:

132 "3-6-20.

133 (a) An annual occupational license tax is imposed upon each winery, manufacturer, broker,
134 importer, wholesaler, and retail dealer of wine in this state, as follows:

- 135 (1) Upon each winery and manufacturer \$ 1,000.00
- 136 (2) Upon each wholesale dealer 500.00
- 137 (3) Upon each importer 500.00
- 138 (4) Upon each broker 50.00
- 139 (5) Upon each retail dealer 50.00

140 (b) The tax provided in this Code section shall be paid for each place of business operated
141 and shall be paid to the commissioner when the licensee assumes control of the place of
142 business and applies for any beverage alcohol license and annually thereafter as long as
143 the business is operated."

144 **SECTION 8.**

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

147 **SECTION 9.**

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