

House Bill 115

By: Representatives Jerguson of the 22nd, Ramsey of the 72nd, Williams of the 4th, Powell of the 29th, Maddox of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated,
2 relating to state license requirements and regulations for manufacture, distribution, and
3 package sales of distilled spirits, so as to require the provision of certain identifying
4 information to the commissioner to enable a determination to be made as to whether a person
5 or a person's family holds more than two retail dealer licenses; to provide for definitions; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state
10 license requirements and regulations for manufacture, distribution, and package sales of
11 distilled spirits, is amended by revising Code Section 3-4-21, relating to prohibition of
12 holding or having beneficial interest in more than two retail dealer licenses, as follows:

13 "3-4-21.

14 (a) As used in this Code section, the term:

15 (1) 'Beneficial interest' means an ownership interest in, vested interest in, partnership
16 arrangement with, or other business association with the retail dealer licensee.

17 (2) 'Family' means any person related to the holder of the license within the first degree
18 of consanguinity and affinity as computed according to the canon law including by blood,
19 adoption, or marriage as a parent, child, sibling, or spouse.

20 (3) 'Person' shall:

21 (A) Have the same meaning as provided for in Code Section 3-1-2; and

22 (B) Include all members of a retail dealer licensee's family.

23 (b) For purposes of this Code section, the beneficiaries of a trust shall be considered to
24 have a beneficial interest in any business forming a part of the trust estate.

25 (c) No person shall be issued more than two retail dealer licenses, nor shall any person be
 26 permitted to have a beneficial interest in more than two retail dealer licenses issued under
 27 this chapter, regardless of the degree of such interest.

28 ~~(b) For purposes of this Code section:~~

29 ~~(1) The term 'person' shall include all members of a retail dealer licensee's family, and~~
 30 ~~the term 'family' shall include any person related to the holder of the license within the~~
 31 ~~first degree of consanguinity and affinity as computed according to the canon law.~~

32 ~~(2) The beneficiaries of a trust shall be considered to have a beneficial interest in any~~
 33 ~~business forming a part of the trust estate.~~

34 ~~(c) Nothing contained in this Code section shall prohibit the reissuance of a valid retail~~
 35 ~~dealer license if the license has been:~~

36 ~~(1) Held prior to the creation of any of the above relationships by marriage; or~~

37 ~~(2) Held prior to April 3, 1978.~~

38 (d) Prior to the issuance or reissuance of a retail dealer license, the person applying for the
 39 license or the renewal of a license shall provide to the commissioner identification in the
 40 form of such person's social security number, passport number, resident alien card number,
 41 temporary resident alien card number, or Immigration and Naturalization Service number
 42 and the social security number, passport number, resident alien card number, temporary
 43 resident alien card number, or Immigration and Naturalization Service number of each
 44 family member of such person. Failure to provide such identification to the commissioner
 45 shall result in a denial of the issuance or reissuance of a retail dealer license. If the person
 46 applying for the license or the renewal of a license is not an individual, the officers,
 47 directors, and any person holding a beneficial interest in the entity applying for the retail
 48 dealer license shall comply with the requirements of this subsection.

49 (e) Nothing contained in this Code section shall prohibit the reissuance of a valid retail
 50 dealer license if the license has been:

51 (1) Held prior to the creation of any of the relationships by marriage referenced in
 52 paragraph (2) of subsection (a) of this Code section; or

53 (2) Held prior to April 3, 1978.

54 (f) Nothing contained in subsection (d) of this Code section shall prohibit the reissuance
 55 of a valid retail dealer license if the license has been held prior to July 1, 2009."

56 **SECTION 2.**

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