

House Bill 1066

By: Representative Williams of the 4th

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 alcoholic beverage licenses; to provide for
3 staggered renewal dates for certain licenses; to revise certain provisions relating to sales of
4 alcoholic beverages near churches, school buildings, and other sites; to declare certain
5 distilled spirits to be contraband if not acquired from certain licensees; to establish an annual
6 occupational license tax upon special event applicants; to provide for related matters; to
7 provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended by revising Code Section 3-2-7, relating to the expiration and renewal of licenses
12 generally, continuation of operations by licensee pending final approval or disapproval of
13 application for renewal, penalty for late application for renewal, and temporary permits, as
14 follows:

15 "3-2-7.

16 (a)(1) Except as otherwise specifically provided in paragraph (2) of this subsection or
17 elsewhere in this title, all licenses issued pursuant to this title shall expire on
18 December 31 of each year and application for renewal shall be made annually on or
19 before November 1.

20 (2) On and after July 1, 2013, licenses for retailers and retail dealers shall expire every
21 12 months on the last day of the month in which the license was issued in the previous
22 calendar year. Applications for renewal of licenses for retailers and retail dealers shall
23 be made annually not less than 60 nor more than 90 days prior to expiration.

24 (b) Any licensee making proper application, with all supporting documents, for a license
25 to operate during the following ~~calendar~~ year and having filed the application prior to
26 ~~November 1~~ the renewal date specified in subsection (a) of this Code section shall be

27 permitted to continue to operate pending final approval or disapproval of the licensee's
 28 application for the following year if final approval or disapproval is not granted prior to
 29 ~~January~~ the day in which the license is set to expire. The effective date and the expiration
 30 date of the license shall be clearly marked on the license.

31 (c) Any person holding any license issued pursuant to this title who fails to file a proper
 32 application for a similar license for the following year, with the proper fee accompanying
 33 the application, on or before ~~January~~ the renewal date specified in subsection (a) of this
 34 Code section and who files an application after ~~January~~ such date shall be required to
 35 pay, in addition to the license taxes imposed by this title, an additional amount equal to
 36 one-half the amount required for the license for which application is made.

37 (d) Persons making initial applications for licenses issued pursuant to this title, after
 38 properly filing all required documents, including a valid local license, may be authorized
 39 by the commissioner to operate pursuant to a temporary permit which shall be issued under
 40 such regulations and in such form as the commissioner may deem appropriate. No right or
 41 property shall vest in any applicant by virtue of the issuance of such permit. The
 42 commissioner may impose a prelicense investigative fee upon persons making initial
 43 application for licenses issued pursuant to this title, which fee shall not exceed \$100.00. No
 44 such fee shall be refundable."

45 SECTION 2.

46 Said title is further amended by revising Code Section 3-3-21, relating to sales of alcoholic
 47 beverages near churches, school buildings, or other sites, as follows:

48 "3-3-21.

49 (a)(1) No person knowingly and intentionally may sell or offer to sell:

50 (A) Any distilled spirits in or within 100 yards of any church building or within 200
 51 yards of any school building, educational building, school grounds, or college campus;

52 (B) Any wine or malt beverages within 100 yards of any school building, school
 53 grounds, or college campus. This subparagraph shall not apply at any location for which
 54 a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor
 55 shall this subparagraph apply at any location for which a new license is applied for if
 56 the sale of wine and beer was lawful at such location at any time during the 12 months
 57 immediately preceding such application; or

58 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic
 59 treatment center owned and operated by this state or any county or municipal
 60 government therein. This paragraph shall not apply to any business having a license in
 61 effect on July 1, 1981.

62 (2) As used in this subsection, the term 'school building' or 'educational building' shall
 63 apply only to state, county, city, or church school buildings and to such buildings at such
 64 other schools in which are taught subjects commonly taught in the common schools and
 65 colleges of this state and which are public schools or private schools as defined in
 66 subsection (b) of Code Section 20-2-690.

67 (b) Nothing contained in this Code section shall prohibit the licensing of the sale or
 68 distribution of alcoholic beverages by:

69 (1) Hotels of 50 rooms or more which have been in continuous operation for a period of
 70 at least five years preceding July 1, 1981;

71 (2) Bona fide private clubs, owning their own homes, subject to licensing under Chapter
 72 7 of this title; and

73 (3) Licensees for the retail sale of alcoholic beverages for consumption on the premises
 74 only who shall be subject to regulation as to distances from churches, schools, and
 75 colleges by counties and municipalities.

76 ~~(c)(1) For purposes of this Code section, distances shall be measured by the most direct~~
 77 ~~route of travel on the ground. Except as provided for in paragraph (2) of this subsection~~
 78 ~~and in subsection (d) of this Code section, each county and municipality that issues an~~
 79 ~~alcoholic beverage license on or after July 1, 2012, shall by ordinance determine a~~
 80 ~~method for measuring the distances required for compliance with subsection (a) of this~~
 81 ~~Code section and file a certified copy of such ordinance and any amendments thereto to~~
 82 ~~the department.~~

83 (2) For any alcoholic beverage license issued on or before June 30, 2012, the distances
 84 required for compliance with subsection (a) of this Code section shall be measured by the
 85 most direct route of travel on the ground.

86 (d)(1) In counties having a population of not less than 175,000 nor more than 195,000,
 87 according to the United States decennial census of 1970 or any future such census, the
 88 distances provided in subparagraph (a)(1)(A) of this Code section for separation of
 89 businesses licensed under this title from churches and schools shall be measured as
 90 follows:

91 (A) From the property line of the tract on which is located the business regulated under
 92 this title;

93 (B) To the property line of the tract on which is located the church, school ground, or
 94 college campus; and

95 (C) Along a straight line which describes the shortest distance between the two
 96 property lines.

97 (2) No license in effect on April 13, 1979, shall be revoked before its date of expiration
 98 by reason of the method of measurement set out in this subsection if the license was

99 granted in reliance on another method of measurement. No application for a license or
100 for a renewal shall be denied by reason of the method of measurement set out in this
101 subsection if the application is for premises for which a license was granted prior to
102 April 13, 1979, in reliance on another method of measurement.

103 (e)(1) As used in this subsection, the term 'housing authority property' means any
104 property containing 300 housing units or fewer owned or operated by a housing authority
105 created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

106 (2) No person knowingly and intentionally may sell any alcoholic beverages for
107 consumption on the premises within 100 yards of any housing authority property. This
108 subsection shall not apply at any location for which a license has been issued prior to
109 July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any
110 location for which a new license is applied for if the sale of alcoholic beverages for
111 consumption on the premises was lawful at such location at any time during the 12
112 months immediately preceding such application."

113 **SECTION 3.**

114 Said title is further amended by revising Code Section 3-4-20, relating to the levy and
115 amount of state occupational license tax, as follows:

116 "3-4-20.

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

120	(1) Upon each distiller and manufacturer	\$ 1,000.00
121	(2) Upon each wholesale dealer	1,000.00
122	(3) Upon each importer	1,000.00
123	(4) Upon each fruit grower	500.00
124	(5) Upon each broker	100.00
125	(6) Upon each retail dealer	100.00
126	(7) Upon each special event use permit applicant	<u>100.00</u>

127 (b) An annual occupational license tax shall be paid for each place of business operated.
128 An application for the applicable license required pursuant to this title along with the
129 payment of the tax required by subsection (a) of this Code section shall be submitted to the
130 department immediately upon assuming control of the place of business and annually
131 thereafter for so long as the business is operated."

132 **SECTION 4.**

133 Said title is further amended by revising Code Section 3-4-111, relating to sale by
 134 wholesalers to licensees and purchases by licensees from wholesalers, as follows:

135 "3-4-111.

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

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

145 **SECTION 5.**

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

149 "3-4-111.1.

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

152 ~~(b) Every applicant for a retail consumption dealer's license shall file with the~~
 153 ~~commissioner, along with each application, a bond conditioned to pay all sums which may~~
 154 ~~become due by the applicant to this state as taxes, license fees, or otherwise by reason of~~
 155 ~~or incident to the operation of the business for which licensure is sought and conditioned~~
 156 ~~in order to pay all penalties which may be imposed upon the applicant for failure to comply~~
 157 ~~with the laws, rules, and regulations pertaining to distilled spirits. Surety for the bond shall~~
 158 ~~be a surety company licensed to do business in this state and the bond shall be in such form~~
 159 ~~as may be required by the commissioner. Such bond shall be in the amount of \$2,500.00.~~
 160 The annual occupational license tax shall be paid for each place of business operated. An
 161 application for a retail consumption dealer's license required pursuant to this title along
 162 with the payment of the tax required by subsection (a) of this Code section shall be
 163 submitted to the department immediately upon assuming control of the place of business
 164 and annually thereafter for so long as the business is operated."

SECTION 6.

165
166 Said title is further amended by revising Code Section 3-5-20, relating to levy and amount
167 of state occupational license tax, as follows:

168 "3-5-20.

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

- 171 (1) Upon each brewer \$ 1,000.00
- 172 (2) Upon each wholesale dealer 500.00
- 173 (3) Upon each importer 500.00
- 174 (4) Upon each broker 50.00
- 175 (5) Upon each retail dealer 50.00
- 176 (6) Upon each brewpub operator 1,000.00
- 177 (7) Upon each special event use permit applicant 50.00

178 ~~(b) The tax provided in this Code section shall be paid on each place of business operated~~
179 ~~and shall be paid to the commissioner when the licensee enters business and annually~~
180 ~~thereafter so long as the business is operated and conducted. An annual occupational~~
181 ~~license tax shall be paid for each place of business operated. An application for the~~
182 ~~applicable license required pursuant to this title along with the payment of the tax required~~
183 ~~by subsection (a) of this Code section shall be submitted to the department immediately~~
184 ~~upon assuming control of the place of business and annually thereafter for so long as the~~
185 ~~business is operated.~~"

SECTION 7.

186
187 Said title is further amended by revising Code Section 3-6-20, relating to levy and amount
188 of tax, as follows:

189 "3-6-20.

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

- 192 (1) Upon each winery and manufacturer \$ 1,000.00
- 193 (2) Upon each wholesale dealer 500.00
- 194 (3) Upon each importer 500.00
- 195 (4) Upon each broker 50.00
- 196 (5) Upon each retail dealer 50.00
- 197 (6) Upon each special event use permit applicant 50.00

198 (b) An annual occupational license tax shall be paid for each place of business operated.
199 An application for the applicable license required pursuant to this title along with the

200 payment of the tax required by subsection (a) of this Code section shall be submitted to the
201 department immediately upon assuming control of the place of business and annually
202 thereafter for so long as the business is operated."

203 **SECTION 8.**

204 Said title is further amended by adding a new chapter to read as follows:

205 "CHAPTER 14

206 3-14-1.

207 The commissioner may issue a special event use permit for the sale of alcoholic beverages
208 for certain events which would otherwise require a retailer or retail dealers license. The
209 commissioner shall specify by rule or regulation the events that shall qualify for a special
210 event use permit; provided, however, that estate sales, the sale of inventory authorized
211 under a bankruptcy proceeding, and activities that are similar in nature shall so qualify.
212 Such permit shall not be valid for more than 30 days."

213 **SECTION 9.**

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

216 **SECTION 10.**

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