

House Bill 1066 (AS PASSED HOUSE AND SENATE)

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 declare certain distilled spirits to be
4 contraband if not acquired from certain licensees; to establish an annual occupational license
5 tax upon special event applicants; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 "3-2-7.

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

19 (2) On and after July 1, 2013, licenses for retailers and retail dealers shall be issued for
20 a 12 month period to be determined by the commissioner and provided by regulation.
21 Applications for renewal of licenses for retailers and retail dealers shall be made not less
22 than 60 nor more than 90 days prior to expiration.

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

application for the following year if final approval or disapproval is not granted prior to ~~January 1~~ the day in which the license is set to expire. The effective date and the expiration date of the license shall be clearly marked on the license.

(c) Any person holding any license issued pursuant to this title who fails to file a proper application for a similar license for the following year, with the proper fee accompanying the application, on or before ~~January 1~~ the renewal date specified in subsection (a) of this Code section and who files an application after ~~January 1~~ such date shall be required to pay, in addition to the license taxes imposed by this title, an additional amount equal to one-half the amount required for the license for which application is made.

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

SECTION 2.

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

"3-4-20.

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

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

(b) An annual occupational license tax shall be paid for each place of business operated. An application for the applicable license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the

department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated."

SECTION 3.

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

"3-4-111.

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

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

SECTION 4.

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

"3-4-111.1.

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

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

SECTION 5.

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

"3-5-20.

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

(1) Upon each brewer	\$ 1,000.00
(2) Upon each wholesale dealer	500.00
(3) Upon each importer	500.00
(4) Upon each broker	50.00
(5) Upon each retail dealer	50.00
(6) Upon each brewpub operator	1,000.00
(7) Upon each special event use permit applicant	<u>50.00</u>

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

SECTION 6.

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

"3-6-20.

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

(1) Upon each winery and manufacturer	\$ 1,000.00
(2) Upon each wholesale dealer	500.00
(3) Upon each importer	500.00
(4) Upon each broker	50.00
(5) Upon each retail dealer	50.00
(6) Upon each special event use permit applicant	<u>50.00</u>

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

134 **SECTION 7.**

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

136 "CHAPTER 14

137 3-14-1.

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

144 **SECTION 8.**

145 This Act shall become effective on July 1, 2012.

146 **SECTION 9.**

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