

House Bill 836

By: Representatives Carpenter of the 4th, Harrell of the 106th, Powell of the 32nd, Frye of the 118th, and Williams of the 148th

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 provide for the state revenue commissioner to issue annual alcohol licenses
3 throughout the year instead of on a specific date; to provide for electronic transmittal of such
4 licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

12 "3-2-7.

13 (a)(1) ~~Except as otherwise specifically provided in paragraph (2) of this subsection or~~
14 ~~elsewhere in this title~~ On and after July 1, 2020, all licenses issued pursuant to this title
15 ~~shall expire on December 31 of each year and application for renewal shall be made~~
16 ~~annually on or before November 1.~~

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

21 (b) Any licensee ~~making filing a~~ making filing a proper application, with all supporting documents, ~~for a~~
22 ~~license to operate during the following year and having filed the application~~ prior to the
23 renewal date specified in subsection (a) of this Code section shall be permitted to continue
24 to operate pending final approval or disapproval of the licensee's application for the
25 following year 12 month period if final approval or disapproval is not granted prior to the

26 day in which the license is set to expire. The effective date and the expiration date of the
27 license shall be clearly marked on the license.

28 (c) Any person holding any license issued pursuant to this title who fails to file a proper
29 application for a similar license for the following year 12 month period, with the proper fee
30 accompanying the application, on or before the renewal date specified in subsection (a) of
31 this Code section and who files an application after such date shall be required to pay, in
32 addition to the license taxes imposed by this title, an additional amount equal to one-half
33 the amount required for the license for which application is made.

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

42 (e) All licenses issued pursuant to this title shall be transmitted to the applicant
43 electronically, unless such applicant specifically requests that the license be sent by mail."

44

SECTION 2.

45 Said title is further amended by revising Code Section 3-4-22, relating to filing of bonds by
46 applicants for licenses generally, as follows:

47 "3-4-22.

48 (a) All applicants for all licenses issued pursuant to this chapter shall file with the
49 commissioner, along with each initial application, a bond:

50 (1) Conditioned to pay all sums which may become due by the applicant to this state as
51 taxes, license fees, or otherwise, arising out of the operation of the business for which
52 licensure is sought; and

53 (2) Conditioned to pay all penalties which may be imposed upon the applicant for failure
54 to comply with the laws and rules and regulations pertaining to distilled spirits.

55 The surety for the bonds shall be a surety company licensed to do business in this state, and
56 the bonds shall be in such form as may be required by the commissioner and may be for
57 a term of up to five calendar years or 60 months.

58 (b) The bonds shall be in the following calendar year or 12 month period amounts:

59 (1) For distillers and manufacturers, \$10,000.00;

60 (2) For wholesale dealers and importers, \$5,000.00; and

61 (3) For retail dealers and brokers, \$2,500.00.

62 (c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than
63 retail licenses, shall file an annual bond or have a multiyear bond on file with the
64 department that extends at least through the end of the calendar year or 12 month period
65 for which renewal is sought. Such bonds shall meet the same conditions as those filed with
66 the initial application."

67 **SECTION 3.**

68 Said title is further amended by revising Code Section 3-6-21, relating to filing of bonds by
69 applicants for licenses generally and waiver of bond requirement, as follows:

70 "3-6-21.

71 (a) All applicants for licenses other than retail licenses shall file with the commissioner,
72 along with each initial application, a bond:

73 (1) Conditioned to pay all sums which may become due by the applicant to the state as
74 taxes, license fees, or otherwise, arising out of the operation of the business for which
75 licensure is sought; and

76 (2) Conditioned to pay all penalties which may be imposed upon the applicant for failure
77 to comply with the laws and rules and regulations pertaining to wines.

78 The surety for the bonds shall be a surety company licensed to do business in this state, and
79 the bonds shall be in such form as may be required by the commissioner and may be for
80 a term of up to five calendar years or 60 months.

81 (b) The bonds required pursuant to subsection (a) of this Code section shall be in the
82 amount of \$5,000.00.

83 (c) All applicants for annual renewal of licenses other than retail licenses must file an
84 annual bond or have a multiyear bond on file with the department that extends at least
85 through the end of the calendar year or 12 month period for which renewal is sought. Such
86 bonds must meet the same conditions as those filed with the initial application."

87 **SECTION 4.**

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