

1 SB187  
2 148355-1  
3 By Senators Coleman and Smitherman  
4 RFD: Job Creation and Economic Development  
5 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, wine manufacturers are  
9 limited to selling wine at retail for on-site and  
10 off-site consumption only on the premises of the  
11 manufacturing facility under the wine  
12 manufacturer's license.

13 This bill would extend the sale of wine by a  
14 wine manufacturer to satellite tasting rooms and at  
15 special events for on-site and off-site consumption  
16 with additional licenses for additional tasting  
17 rooms and special events.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 To amend Sections 28-7-13 and 28-7-18, Code of  
24 Alabama 1975, to provide further for the licensing of wine  
25 manufacturers and the sale of wine off the premises of the  
26 manufacturer.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 28-7-13 and 28-7-18, Code of  
2 Alabama 1975, are amended to read as follows:

3           "§28-7-13.

4           "(a) License fees for licenses issued by the board.  
5 The following annual license fees are levied and prescribed  
6 for licenses issued and renewed by the board pursuant to the  
7 authority contained in this chapter:

8           "(1) Wine retailer's license, license fee of  
9 \$150.00.

10          "(2) Wine wholesaler's license, license fee of  
11 \$550.00.

12          "(3) Wine importer's license, license fee of  
13 \$500.00.

14          "(4) Wine manufacturer's license, license fee of  
15 \$500.00.

16          "(5) Wine manufacturer's tasting room, license fee  
17 of \$150.00.

18          "(6) Wine manufacturer's special events, license fee  
19 of \$150.00.

20 "In addition, the county or municipality therein in which the  
21 manufacturer, wholesaler, importer or retailer sells or  
22 distributes table wine may fix a reasonable privilege or  
23 license tax on a wine manufacturer, wholesaler, importer or  
24 retailer located therein, conditioned on a permit or license  
25 being issued by the board. Provided, however, said county or  
26 municipality shall levy no license or privilege tax, or other  
27 charge for the privilege of doing business as a wine

1 manufacturer, wholesaler, importer or retailer, which shall  
2 exceed one-half the amount of the state license fee levied  
3 under the provisions of this section for like privilege.

4 "(b) Payment, collection and administration. All  
5 license and filing fees levied or authorized by this chapter,  
6 other than those levied by a municipality, shall be paid to  
7 the board. All filing and license fees paid to the board shall  
8 be paid into the State Treasury to the credit of the Beer Tax  
9 and License Fund of the board and each month's receipts shall  
10 be distributed to the State General Fund no later than the end  
11 of the following month. All license fees levied by any county  
12 and paid the board shall be paid not later than the last day  
13 of the month following the month of collection to the county  
14 governing body which shall distribute the proceeds thereof.

15 "§28-7-18.

16 "(a) (1) No manufacturer shall sell any table wine  
17 direct to any retailer or for consumption on the premises  
18 where sold, nor sell or deliver any such table wine in other  
19 than original containers, nor shall any manufacturer maintain  
20 or operate within this state any place or places, other than  
21 the place or places covered by his or its license where table  
22 wine is sold or where orders therefor are taken. Provided,  
23 further, that table wine which is manufactured in Alabama may  
24 be sold directly at retail by the licensed manufacturer only  
25 on the manufacturer's premises, additional tasting rooms and  
26 permitted special events for on-premise or off-premise  
27 consumption.

1           "(2) In addition to other authority granted herein,  
2           a licensed wine manufacturer and an association of wine  
3           manufacturers in this state may each respectively sell and  
4           dispense samples of table wine annually at no more than 10  
5           off-premise special events, including municipal licensed  
6           events, each lasting no longer than three consecutive days or  
7           a total of 30 days. Sixty days prior to participating at any  
8           special event, a wine manufacturer or association shall file  
9           with the board an application for a manufacturer's special  
10           event license and provide any state or municipal documentation  
11           required by the board. While at the special event, the wine  
12           manufacturer or association shall display at all times the  
13           manufacturer's special event license.

14           "(b) (1) There is hereby levied and assessed, upon  
15 wine manufactured in Alabama and sold by the manufacturer  
16 directly at retail on the premises where it is manufactured,  
17 as provided in subsection (a), or dispensed, as free samples  
18 of not more than six ounces, in the tasting room or wine  
19 cellar on the manufacturer's premises or additional tasting  
20 rooms or at special events, an excise tax, measured by and  
21 graduated in accordance with the volume of such wine sold or  
22 dispensed, in an amount equal to forty-five cents (\$.45) per  
23 liter.

24           "(2) The tax hereby levied on retail sales on a  
25 manufacturer's premises shall be added to the sales price of  
26 all table wine sold at retail by the manufacturer, as provided

1 in subsection (a), and shall be collected from the consumers  
2 making the purchases.

3 "(c) The tax levied by subsection (b) shall be  
4 collected by a return and remitted, monthly, as follows:

5 "(1) Not later than the fifteenth day of the month  
6 following the month in which table wine was dispensed as free  
7 samples or sold at retail as provided in subsection (a), the  
8 manufacturer shall file with the board, on a form and in the  
9 manner prescribed by the board, a return showing taxes due at  
10 thirty-eight cents (\$.38) per liter of the table wine  
11 dispensed or sold at retail during the previous month; the  
12 taxes due at such rate shall be remitted to the board along  
13 with the return.

14 "(2) Not later than the fifteenth day of the month  
15 following the month in which table wine was dispensed as free  
16 samples or sold at retail as provided in subsection (a), the  
17 manufacturer shall file with the municipality within which the  
18 table wine was dispensed or sold at retail within its  
19 corporate limits, or, where dispensed or sold at retail  
20 outside of the corporate limits of any municipality, with the  
21 county within which the table wine was dispensed or sold at  
22 retail, a return showing taxes at seven cents (\$.07) per liter  
23 of the table wine dispensed or sold at retail during the  
24 previous month; the taxes due at such rate shall be remitted  
25 to the county or municipality along with the return.

1           "(3) All taxes imposed, levied, and collected under  
2 this section shall be deposited and credited in the same  
3 manner as are other table wine taxes.

4           "(d) Manufacturers who manufacture table wine within  
5 Alabama shall provide to the board monthly reports, in the  
6 form, time, and manner prescribed by the board, reporting  
7 gallonage sold and gallonage exported for sale outside the  
8 state during the previous month.

9           "(e) The tax herein levied is exclusive and shall be  
10 in lieu of all other and additional taxes of the state,  
11 county, and municipality imposed on or measured by the sale or  
12 volume of sale of table wine; provided that nothing herein  
13 contained shall be construed to exempt the retail sale of  
14 table wine from the levy of tax on general retail sales by the  
15 state, county, or municipality in the nature of, or in lieu  
16 of, a general sales tax."

17           Section 2. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.