

ACT No. 449

2018 Regular Session

HOUSE BILL NO. 135

BY REPRESENTATIVE DWIGHT

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AN ACT

To amend and reenact R.S. 26:2(9), 79, and 279, relative to application for state and local alcohol permits; to provide relative to permits not issued; to provide relative to the waiving of state application fees or credits for such fees; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:2(9), 79, and 279 are hereby amended and reenacted to read as follows:

§2. Definitions

For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

* * *

(9) "Liquor retail distribution center" means ~~any liquor retailer who has continuously maintained a distribution center or centers for distribution to its wholly owned retail permittees on or prior to January 1, 1961, in this state, or any commercial airline that stores alcoholic beverages in sealed containers of any size at any airport regularly served by the permittee. Such possession for retail sale or distribution therefrom shall be limited to alcohol of high volume content in any quantity.~~

* * *

1 §79. Submission of applications; delay

2 All applications for state permits shall be mailed or delivered to the
 3 commissioner in Baton Rouge, Louisiana, and all applications for local permits shall
 4 be mailed or delivered to the respective local authorities. An applicant shall mail or
 5 deliver both his applications for state and local permits within twenty-four hours of
 6 each other. If he fails to do so, his state application may be withheld and the permits
 7 denied. Upon receipt of an application, the commissioner or the local authorities, as
 8 the case may be, shall stamp the day, month, and year received, and the
 9 commissioner shall verify that the applicant does not owe the state or the political
 10 subdivision in which the business is located any delinquent sales taxes, penalties, or
 11 interest, excluding items under formal appeal pursuant to the applicable statutes.
 12 The commissioner and officers or employees specifically so authorized by the
 13 commissioner and local authorities may issue the permits immediately after proper
 14 investigation but, for a period of thirty-five days after issuance, such permits shall
 15 operate on a probationary basis subject to final action on, opposition to, or
 16 withholding of, the permits as hereinafter provided. ~~Notwithstanding any other~~
 17 ~~provision of this Chapter, prior to August 1, 2016, the commissioner may waive all~~
 18 ~~state application fees or provide an equal credit to an applicant's account when a~~
 19 ~~permit is not issued within three business days after receipt of a fully and properly~~
 20 ~~completed application.~~

21 * * *

22 §279. Submission of applications; delay

23 All applications for state permits shall be mailed or delivered to the
 24 commissioner in Baton Rouge at the state capitol, and all applications for local
 25 permits shall be mailed or delivered to the respective local authorities. An applicant
 26 shall mail or deliver his applications for state and local permits within twenty-four
 27 hours of each other. If he fails to do so, his state application may be withheld and the
 28 permits denied. Upon receipt of an application, the commissioner or the local
 29 authorities, as the case may be, shall stamp the day, month, and year received, and
 30 the commissioner shall verify that the applicant does not owe the state or the political

1 subdivision in which the business is located any delinquent sales taxes, penalties, or
 2 interest, excluding items under formal appeal pursuant to applicable statutes. The
 3 commissioner and officers or employees specifically so authorized by the
 4 commissioner and local authorities may issue the permits immediately after proper
 5 investigation but, for a period of thirty-five days after receipt of the application, such
 6 permits shall operate on a probationary basis subject to final action on opposition to,
 7 or withholding of, the permit as hereinafter provided. ~~Notwithstanding any other~~
 8 ~~provision of this Chapter, prior to August 1, 2016, the commissioner may waive all~~
 9 ~~state application fees or provide an equal credit to an applicant's account when a~~
 10 ~~permit is not issued within three business days after receipt of a fully and properly~~
 11 ~~completed application.~~

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____