

Regular Session, 2012

SENATE BILL NO. 109

BY SENATOR MORRELL

FEES/LICENSES/PERMITS. Authorizes the commissioner of the office of alcohol and tobacco control to set permit fees pursuant to the regulations up to a maximum amount. (8/1/12)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 26:71(A), the introductory
3 paragraph of R.S. 26:271(A), and the introductory paragraph of R.S. 26:903, relative
4 to alcohol and tobacco permits; to establish permit fees not to exceed a maximum
5 amount for a particular permit; to provide for rule making authority to set these fees;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 26:71(A), the introductory paragraph
9 of R.S. 26:271(A), and the introductory paragraph of R.S. 26:903 are hereby amended and
10 reenacted to read as follows:

11 §71. Permits required; fees; exception

12 A. Except as provided in Subsections B and C of this Section, before
13 engaging in the business of manufacturing, supplying, or dealing in alcoholic
14 beverages, all persons shall obtain from the commissioner, according to established
15 rules and regulations, a permit to conduct each separate business and shall pay the
16 commissioner ~~therefor according to~~ **a fee not to exceed the amounts provided for**
17 **in** the following schedule **and in accordance with regulations promulgated**

1 **pursuant to the provisions of the Administrative Procedure Act** for each year the
2 permit is valid:

3 * * *

4 §271. Permits required; fees

5 A. Before engaging in the business of dealing in malt beverages or beverages
6 of low alcoholic content, all manufacturers, wholesale and retail dealers, and
7 microbrewers shall obtain from the commissioner, according to established rules and
8 regulations, a permit to conduct each separate manufacturing, wholesale, retail, or
9 microbrewery business and shall pay for each permit ~~according to~~ **a fee not to**
10 **exceed the amounts provided for in** the following schedule **and in accordance**
11 **with regulations promulgated pursuant to the provisions of the Administrative**
12 **Procedure Act** for each year the permit is valid:

13 * * *

14 §903. Permit fees

15 The fees for each registration certification or permit shall ~~be as follows~~ **not**
16 **exceed amounts provided for in the following schedule and in accordance with**
17 **regulations promulgated pursuant to the provisions of the Administrative**
18 **Procedure Act:**

19 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Present law provides that before engaging in the business of manufacturing, supplying, or
dealing in alcoholic beverages, all persons obtain from the commissioner, a permit to
conduct each separate business and pay a permit fee to the commissioner of the office of
alcohol and tobacco control according to the following schedule for each year the permit is
valid:

- (1) In-state manufacturers - \$1,000 for each establishment in the state.
- (2) Out-of-state manufacturers and suppliers who do not maintain an establishment in
the state:
 - (a) Manufacturers and suppliers who sell less than 1,000 cases of their product
in the state - \$200.

- (b) All other out-of-state manufacturers and suppliers - \$1,000.
- (3) Wholesalers - \$2,500 for each place of business in the state.
- (4) Retailers:
 - (a) Class A-General - \$200 for each place of business in any city in the state and \$100 for each place of business in a town, village, or unincorporated place.
 - (b) Class A-Restaurant - \$200 for each establishment in the state.
 - (c) Class A-Special - \$200 for each facility in the state.
- (5) Those operating package houses (Class B Retail Liquor Permit) - \$100 for each place of business in any city in the state and \$50 for each place of business in a town, village, or unincorporated place.
- (6) Those operating Class C Package Stores - \$100 for each place of business in any city in the state and \$50 for each place of business in a town, village, or unincorporated place.
- (7) For businesses permitted under (4) and (5) above, a fee of \$100 for each \$100,000 of gross retail liquor sales; after the first \$100,000 of gross retail liquor sales, an additional fee levied according to the schedule below:

| <u>GROSS SALES</u> | <u>ADDITIONAL FEES</u> |
|------------------------------|------------------------|
| \$0.00 to \$99,999.99 | -0- |
| \$100,000.00 to \$199,999.99 | \$100.00 |
| \$200,000.00 to \$299,999.99 | \$200.00 |
| \$300,000.00 to \$399,999.99 | \$300.00 |
| \$400,000.00 to \$499,999.99 | \$400.00 |
| \$500,000.00 to \$599,999.99 | \$500.00 |
| \$600,000.00 and over | \$600.00 |

- (8) Solicitors - \$5 each.
- (9) Retail distribution centers, other than manufacturers, wholesalers, retailers, or solicitors - \$1,000 for each storage facility in the state.
- (10) Wine producers- \$50.
- (11) Wineries - \$50.

Proposed law retains present law, but provides these fees are the maximum amount to be charged and authorizes the commissioner to adopt rules to establish fees up to the maximum amounts.

Present law provides that before engaging in the business of dealing in malt beverages or beverages of low alcoholic content, all manufacturers, wholesale and retail dealers, and microbrewers obtain from the commissioner, a permit to conduct each separate manufacturing, wholesale, retail, or microbrewery business and pay for each permit according to the following schedule for each year the permit is valid:

- (1) Wholesaler dealers of malt beverages containing not more than six percent alcohol by volume - \$1,000.
- (2) Wholesaler dealers of malt beverages containing more than six percent alcohol by volume - \$1,000.

- (3) Retailers:
 - (a) Class A-General which authorizes the retailer to sell for consumption on or off the licensed premises - \$70 for each place of business in the state.
 - (b) Class A-Restaurant - \$70 for each establishment in the state.
 - (c) Class A-Special - \$30 for each facility in the state.
- (4) Retailers, Class B, which authorizes the retailer to sell in sealed containers prepared for transportation and consumption off the premises or any commercial airline which provisions its aircraft with beverages of low alcoholic content in sealed containers of any size at any airport regularly served by the permittee - \$70.
- (5) Retailers, Class C Package Store - \$70.
- (6) Microbrewer, which authorizes the holder of a Retailers, Class A permit to engage in the brewing of beer and other malt beverages at a single location in an amount not to exceed 12,500 barrels, and which further authorizes the sale at retail of such brewed beverages from that location - \$1,000.
- (7) In-state manufacturers - \$1,000 for each establishment in the state.
- (8) Out-of-state manufacturers who do not maintain an establishment in the state:
 - (a) Manufacturers who sell less than 10,000 barrels - \$200.
 - (b) All other out-of-state manufacturers - \$1,000.

Proposed law retains present law, but provides these fees are the maximum amount to be charged and authorizes the commissioner to adopt rules to establish fees up to the maximum amounts.

Present law, relative to tobacco, provides the annual fee for each registration certification or permit shall be as follows:

- (1) Retail dealer registration certificate - \$25.00.
- (2) Retail dealer permit - \$75.00.
- (3) Vending machine operator - \$75.00.
- (4) Vending machine - \$5.00 per machine.
- (5) Wholesale dealer - \$75.00.
- (6) Tobacconist – \$150.

Proposed law retains present law, but provides these fees are the maximum amount to be charged and authorizes the commissioner to adopt rules to establish fees up to the maximum amounts.

Effective August 1, 2012.

(Amends R.S. 26:71(A)(intro para), 271(A)(intro para), and 903 (intro para))