

1 HB64  
2 129187-1  
3 By Representative Vance  
4 RFD: Economic Development and Tourism  
5 First Read: 07-FEB-12  
6 PFD: 01/23/2012

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8 SYNOPSIS: Under existing law, the Alcoholic Beverage  
9 Control Board has the authority to issue licenses  
10 for the sale of alcoholic beverages. The licenses  
11 are required to be renewed annually on or before  
12 the first day of October with a penalty for failure  
13 to renew.

14 This bill would require all annual license  
15 fees be paid between June 1 and July 31 of each  
16 year. This bill would increase the penalty for  
17 failure to timely renew.

18 This bill would allow the Alcoholic Beverage  
19 Control Board to charge a fee for electronic  
20 processing.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT  
25

1                   Relating to alcoholic beverages, to amend Section  
2 28-3A-5, Code of Alabama 1975, to provide for annual license  
3 renewal date and increased penalty for failure to renew.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5                   Section 1. Section 28-3A-5, Code of Alabama 1975, is  
6 amended to read as follows:

7                   "§28-3A-5.

8                   "(a) Upon receipt of the application, the proper  
9 fees, the bond if required, and upon being satisfied of the  
10 truth of the statements in the application and that the  
11 applicant is a person of good repute, the board shall grant  
12 and issue to applicant the appropriate license entitling the  
13 applicant to engage in the alcoholic beverage transactions  
14 authorized by such license as set forth in this chapter. All  
15 applications for licenses and accompanying statements shall be  
16 kept in the office of the board for a period of three years  
17 and shall be open for public inspection.

18                   "(b) Licenses issued under the provisions of this  
19 chapter shall be renewed annually upon the filing of  
20 applications, and payment to the board of the appropriate  
21 fees, in such form as the board shall prescribe, at least 60  
22 days before the expiration and upon payment to the board of  
23 the appropriate license fees, unless the board has good cause  
24 for not renewing or reissuing the license. Unless within one  
25 month prior to the scheduled date of expiration of such  
26 licenses the applicant shall have been notified by the board  
27 of objections to the granting thereof signed by persons

1 authorized to do so, and upon payment of the ~~required~~  
2 appropriate fees, the board shall issue such renewal of  
3 licenses.

4 "(c) ~~Licenses~~ Applications for renewal of licenses  
5 shall become due and payable ~~on or before October first of~~  
6 ~~each year or on the date established by this chapter or the~~  
7 ~~board for the ensuing year~~ in such form as the board shall  
8 prescribe, between June first and July 31st of each year, and  
9 shall be delinquent if not secured each year by ~~October~~  
10 ~~twentieth or the twentieth day of the first month of the~~  
11 ~~license year established by this chapter or the board. If the~~  
12 ~~license is not secured by October twentieth or by the~~  
13 ~~twentieth day of the first month of the license year~~  
14 ~~established by this chapter or by the board, such person or~~  
15 ~~firm failing or refusing to file application and obtain said~~  
16 ~~license, as provided in this chapter, while continuing to~~  
17 ~~enjoy the privilege allowed under said license, 12 midnight on~~  
18 July 31st of the current license year with all required  
19 information and payment of the appropriate fees. The  
20 delinquent application for renewal shall be subject to a  
21 penalty of ~~50~~ 75 percent of the state and county licenses and  
22 filing fees, which penalty must be collected at the time of  
23 issuance of license or permit, and shall be paid into the  
24 license fund of the board. Unless previously revoked, every  
25 license issued by the board under this chapter shall expire,  
26 and terminate on the thirtieth day of September in ~~the year or~~  
27 ~~on the last day of the month ending~~ the license year

1 ~~established by this chapter or by the board~~ for which the  
2 license is issued, and no renewal shall be accepted past that  
3 date.

4 "(d) The board may charge a reasonable fee for  
5 electronic processing.

6 "(e) No license shall be issued or renewed by the  
7 board until the ~~filing and license~~ appropriate fees fixed by  
8 this chapter shall have been paid to the board; provided no  
9 filing fee is required for renewal."

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