

1 HB176
2 147549-1
3 By Representative Nordgren
4 RFD: Economic Development and Tourism
5 First Read: 06-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

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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.