

2018 Regular Session

HOUSE BILL NO. 135

BY REPRESENTATIVE DWIGHT

ALCOHOLIC BEVERAGE PERMT: Provides relative to application fees for alcoholic beverage permits

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:79 and 279 are hereby amended and reenacted to read as follows:

7 §79. Submission of applications; delay

8 All applications for state permits shall be mailed or delivered to the
9 commissioner in Baton Rouge, Louisiana, and all applications for local permits shall
10 be mailed or delivered to the respective local authorities. An applicant shall mail or
11 deliver both his applications for state and local permits within twenty-four hours of
12 each other. If he fails to do so, his state application may be withheld and the permits
13 denied. Upon receipt of an application, the commissioner or the local authorities, as
14 the case may be, shall stamp the day, month, and year received, and the
15 commissioner shall verify that the applicant does not owe the state or the political
16 subdivision in which the business is located any delinquent sales taxes, penalties, or
17 interest, excluding items under formal appeal pursuant to the applicable statutes.
18 The commissioner and officers or employees specifically so authorized by the
19 commissioner and local authorities may issue the permits immediately after proper
20 investigation but, for a period of thirty-five days after issuance, such permits shall

1 operate on a probationary basis subject to final action on, opposition to, or
2 withholding of, the permits as hereinafter provided. ~~Notwithstanding any other~~
3 ~~provision of this Chapter, prior to August 1, 2016, the commissioner may waive all~~
4 ~~state application fees or provide an equal credit to an applicant's account when a~~
5 ~~permit is not issued within three business days after receipt of a fully and properly~~
6 ~~completed application.~~

7 * * *

8 §279. Submission of applications; delay

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 135 Original

2018 Regular Session

Dwight

Abstract: Eliminates the commissioner's ability to waive the state application fee for certain permits.

Present law allowed the commissioner, prior to Aug. 1, 2016, to waive all state application fees, or provide a credit for the fee, when a permit is not issued within three business days after receipt of a properly completed application for an alcohol beverage permit.

Proposed law removes this provision which allowed the commissioner to waive the state application fee, or provide a credit for the fee, for permits when the permit was not issued within three business days after receipt of application.

(Amends R.S. 26:79 and 279)