

Regular Session, 2014

HOUSE BILL NO. 729

BY REPRESENTATIVE KATRINA JACKSON

ALCOHOLIC BEVERAGE PERMT: Creates a Uniform Alcoholic Beverage Permit Application

1 AN ACT

2 To amend and reenact R.S. 26:74, 78, 89, 274(A), 278, and 285(A), relative to alcoholic
3 beverage permit applications; to provide for a uniform state and local alcoholic
4 beverage permit application; to provide relative to fees for certain permits; to require
5 approval for changes to certain permit applications; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:74, 78, 89, 274(A), 278, and 285(A) are hereby amended and
9 reenacted to read as follows:

10 §74. Local license and permit fees

11 A.(1) Parishes and municipalities may require annual permits and fees from
12 dealers holding state permits under this Chapter. No parish or municipality shall
13 require a permit or fee except for establishments located within their territorial limits.
14 No parish or municipality shall require a permit or fee for any commercial airline
15 which is issued a permit as a liquor retail distribution center.

16 (2) The fees charged for any local permit shall not exceed five hundred
17 dollars per year and shall be collected by the parishes and municipalities requiring
18 permit fees.

19 (3) All local permits shall be issued in accordance with the permit types as
20 provided in this Chapter.

1 authority shall also attach an affidavit to the application attesting to the fact that the
2 applicant has complied with all local rules and regulations.

3 C. Applications for state and local permits to engage in any business or
4 operation regulated by this Chapter shall be in writing and sworn to, and shall be on
5 the uniform state and local alcoholic beverage permit form provided by the
6 commissioner, which shall contain the full name of the applicant, his social security
7 number, his federal employer identification number, if applicable, his Louisiana
8 Department of Revenue business account number, if applicable, his correct home
9 address, and an accurate description and correct street address of the premises
10 wherein the business or operation is to be conducted, which address shall be
11 considered the proper address for all notices to the applicant or permittee required
12 by this Chapter, and shall be accompanied by an affidavit of the applicant showing
13 that he meets the qualifications and conditions set out in R.S. 26:80. Original and
14 renewal applications shall also be accompanied by a signed sales tax clearance from
15 the sales tax collection agency or agencies in the parish in which the application is
16 made, which clearance request shall be processed within seven business days.

17 B.D. Unless he is seeking a renewal of his permit, an applicant for a retail
18 dealer's permit shall attach to his application, as a part thereof, a sworn affidavit
19 stating that he has complied with the provisions of R.S. 26:77.

20 E.E.(1) The commissioner and his agents shall be ex officio notaries public
21 within their respective territorial jurisdiction to exercise the functions of a notary
22 public only to administer oaths or affirmations and to notarize applications for
23 permits required of the office of alcohol and tobacco control to engage in the
24 business of dealing in alcoholic beverages as provided for by the provisions in this
25 Title.

26 (2) All acts performed by such an ex officio notary public authorized by this
27 Subsection shall be performed without charge or other compensation and without the
28 necessity of giving bond.

1 (3) The commissioner may suspend or terminate the authority of an agent to
2 act as an ex officio notary at any time, and separation from the employ of the office
3 of alcohol and tobacco control shall automatically terminate the powers of such an
4 ex officio notary public.

5 * * *

6 §89. Form of application for renewal of permit

7 The commissioner may, by regulation, prescribe the form of application to
8 be used when the applicant is not seeking a new permit but only the renewal of a
9 current state or local permit held by him. Nothing in this regulation shall alter the
10 qualifications required in this Chapter.

11 * * *

12 §274. Local permits

13 A.(1) Parishes and municipalities may issue and require local permits similar
14 to those issued by the commissioner and may charge and collect fees therefor. No
15 parish or municipality shall require permits of any commercial airline which has
16 been issued a Class B retailer permit.

17 (2) All local permits shall be issued in accordance with the permit types as
18 provided in this Chapter.

19 (3) All applications for local permits shall be made on the uniform state and
20 local alcoholic beverage permit form provided by the commissioner in accordance
21 with the provisions of this Chapter.

22 * * *

23 §278. Uniform state and local alcoholic beverage permit; content of application for
24 permit; commissioner power as ex officio notary

25 A. There shall be a uniform state and local alcoholic beverage permit
26 application created and provided by the commissioner. The application shall be filed
27 with the governing authority of the local municipality or parish within twenty-four
28 hours of filing the application with the office of alcohol and tobacco control.

1 B. The governing authority of the parish or municipality shall be responsible
2 for certifying the application for approval by the commissioner. The governing
3 authority shall also attach an affidavit to the application attesting to the fact that the
4 applicant has complied with all local rules and regulations.

5 C. Applications for state and local permits to engage in any business or
6 operation regulated by this Chapter shall be in writing and sworn to, and shall be on
7 the uniform state and local alcoholic beverage permit form provided by the
8 commissioner, which shall contain the full name of the applicant, his social security
9 number, his federal employer identification number, if applicable, his Louisiana
10 Department of Revenue business account number, if applicable, his correct home
11 address, and an accurate description and correct street address of the premises
12 wherein the business or operation is to be conducted, which address shall be
13 considered the proper address for all notices to the applicant or permittee required
14 by this Chapter, and shall be accompanied by an affidavit of the applicant showing
15 that he meets the qualifications and conditions set out in R.S. 26:80. Original and
16 renewal applications shall also be accompanied by a signed sales tax clearance from
17 the sales tax collection agency or agencies in the parish in which the application is
18 made, which clearance request shall be processed within seven business days.

19 B.D. Unless he is seeking a renewal of his permit, an applicant for a retail
20 dealer's permit shall attach to his application, as a part thereof, a sworn affidavit
21 stating that he has complied with the provisions of R.S. 26:77.

22 E.E.(1) The commissioner and his agents shall be ex officio notaries public
23 within their respective territorial jurisdiction to exercise the functions of a notary
24 public only to administer oaths or affirmations and to notarize applications for
25 permits required of the office of alcohol and tobacco control to engage in the
26 business of dealing in alcoholic beverages as provided for by the provisions in this
27 Title.

1 (2) All acts performed by such an ex officio notary public authorized by this
2 Subsection shall be performed without charge or other compensation and without the
3 necessity of giving bond.

4 (3) The commissioner may suspend or terminate the authority of an agent to
5 act as an ex officio notary at any time, and separation from the employ of the office
6 of alcohol and tobacco control shall automatically terminate the powers of such an
7 ex officio notary public.

8 * * *

9 §285. Renewal of permit

10 A. Except as otherwise provided by law, persons holding permits under this
11 Chapter, whether state or local, shall file applications for renewal thereof for the
12 ensuing year in the manner provided ~~with~~ by the commissioner. Anyone filing his
13 renewal application after the date set shall be charged a delinquency penalty of
14 twenty-five percent over and above the regular fee. If a permittee fails to make his
15 application for renewal by the end of the term, his application may be denied and the
16 commissioner may, without notice or hearing, suspend his right to do business.

17 * * *

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)]

Katrina Jackson

HB No. 729

Abstract: Provides for the creation of a uniform state and local alcoholic beverage permit for low and high content alcoholic beverages.

Present law authorizes parishes and municipalities to require annual permits and fees from certain dealers holding certain state permits and limits such requirements to establishments located within their territorial limits.

Proposed law retains present law.

Present law authorizes parishes and municipalities that require permits and fees to furnish the commissioner with a certified copy of the ordinance levying the fees and require the commissioner to collect the permit fees and remit the collected fees quarterly to the parishes and municipalities after deducting 2 % for collection costs.

Proposed law repeals present law.

Present law provides that the fees collected cannot exceed \$500 per year.

Proposed law retains present law and adds the requirement that the fees shall be collected by the parishes and municipalities and requires all permits to be issued in accordance with present law.

Proposed law requires the commissioner to create and provide a uniform state and local alcoholic beverage permit application for low and high content for alcoholic beverages and to be used for applying for local permits. Proposed law further requires that the application be filed with the governing authority of the local municipality or parish within 24 hours of filing the application with the office of ATC and provides that the governing authority is responsible for certifying the application for the commissioner.

Proposed law requires the governing authority of the parish or municipality to be responsible for certifying the application for approval by the commissioner and attaching an affidavit to the application attesting to the fact that the applicant has complied with all local rules and regulations.

Present law requires applications for state and local permits to engage in any business or operation to be in writing and sworn to, and contain certain identifying information for the applicant or permittee, and further requires that the application be accompanied by an affidavit of the applicant showing that he meets the qualifications and conditions set out in present law.

Proposed law retains present law and adds that all requirements relative to identifying information be in writing and sworn to on the uniform state and local alcoholic beverage permit application.

Present law authorizes the commissioner to prescribe the form of application to be used when the applicant is not seeking a new permit but only the renewal of a current permit.

Proposed law retains present law and extends authorization for both state and local permits.

(Amends R.S. 26:74, 78, 89, 274(A), 278, and 285(A))