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**HOUSE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 667  
by Representative ReynoldsAMENDMENT NO. 1

On page 1, line 2, change "R.S. 26:359(B)(1)(i)" to "R.S. 26:359(B)(1)(h) and (i), (B)(2) and (3), (C),(D),(E), and (F) and to enact R.S. 26:359(B)(4)"

AMENDMENT NO. 2

On page 1, line 3, after "Louisiana;" and before "and" insert "to authorize the commissioner to promulgate rules; to provide for permit applications of certain wine producers, manufacturers, and retailers; to provide permit fees; to specify the due date of a monthly statement; to provide for additional penalties for violations; to provide for an effective date;"

AMENDMENT NO. 3

On page 1, line 6, change "R.S. 26:359(B)(1)(i) is" to "R.S. 26:359(B)(1)(h) and (i), (B)(2) and (3), (C),(D),(E), and (F) are"

AMENDMENT NO. 4

On page 1, line 6, after "reenacted" and before "to" insert "and R.S. 26:359(B)(4) is hereby enacted"

AMENDMENT NO. 5

On page 1, between line 15 and 16, insert "(h) The wine producer, manufacturer, or retailer domiciled outside of Louisiana has complied with the provisions of Subsections B, C and D of this Section."

AMENDMENT NO. 6

On page 2, line 3, after "this" change "Subsection." to "Section."

AMENDMENT NO. 7

On page 2, between lines 3 and 4, add the following:

~~"(2) For all purposes under this Title, the point of sale for transactions made pursuant to this Subsection shall be the place of domicile of the wine producer, manufacturer, or retailer. Delivery to the consumer in Louisiana shall be deemed to have occurred upon the placing of such beverages into the possession of a common carrier for transport into the state of Louisiana. In addition to the provisions in Paragraph (1) of this Subsection, the commissioner may promulgate rules in accordance with the Administrative Procedures Act governing the sale and shipment of sparkling wine or still wine directly to a Louisiana consumer.~~

(3) In addition to the provisions of Paragraph (1) of this Subsection, prior to selling or shipping any sparkling wine or still wine directly to any consumer in Louisiana, a ~~wine producer or manufacturer or~~ retailer domiciled outside of Louisiana shall ~~register~~ apply with the state office of alcohol and tobacco control ~~for a permit to engage in direct shipment of sparkling wine and still wine on a registration~~ an application form promulgated by the commissioner. The ~~registration permit~~ shall be renewed on an annual basis and updated within thirty days of any

1 change of any information contained on the registration application form. The  
 2 annual fee for such permit shall be one thousand five hundred dollars.

3 (4) In addition to the provisions of Paragraph (1) of this Subsection, prior to  
 4 selling or shipping any sparkling wine or still wine directly to any consumer in  
 5 Louisiana, a wine producer or manufacturer domiciled outside of Louisiana shall  
 6 apply with the state office of alcohol and tobacco control for a permit to engage in  
 7 direct shipment of sparkling wine and still wine on an application form promulgated  
 8 by the commissioner. The permit shall be renewed on an annual basis and updated  
 9 within thirty days of any change of any information contained on the application  
 10 form. The annual fee for such permit shall be two hundred fifty dollars.

11 C.(1) Any wine producer or manufacturer, domiciled outside of Louisiana,  
 12 of sparkling wine or still wine engaging in the direct sale and shipment of such  
 13 beverages under the provisions of ~~Subsection B~~ of this Section shall make an annual  
 14 application to the secretary of the Department of Revenue for authority to make such  
 15 shipments and shall pay an annual fee of one hundred fifty dollars to the Department  
 16 of Revenue prior to selling or shipping any sparkling wine or still wine to a  
 17 consumer in the state of Louisiana.

18 (2) Any retailer, domiciled outside of Louisiana, of sparkling wine or still  
 19 wine engaging in the direct shipment of such beverages under the provisions of  
 20 ~~Subsection B~~ of this Section shall make an annual application to the secretary of the  
 21 Department of Revenue for the authority to make such shipments and shall pay an  
 22 annual fee of one thousand five hundred dollars to the Department of Revenue prior  
 23 to selling or shipping any sparkling wine or still wine into the state of Louisiana.

24 (3) The annual application for authority to make such shipments shall be in  
 25 a written form specified by the secretary of the Department of Revenue, and shall  
 26 include the express agreement of the out-of-state wine producer, manufacturer, or ~~out~~  
 27 ~~of state~~ retailer to pay all excise and sales and use taxes assessed by the state of  
 28 Louisiana on the sparkling wine or still wine sold and shipped pursuant to ~~Subsection~~  
 29 ~~B~~ of this Section. A copy of the current out-of-state wine producer's, manufacturer's,  
 30 or ~~out of state~~ retailer's license issued to such out-of-state wine producer,  
 31 manufacturer, or ~~out of state~~ retailer by the state in which the wine producer,  
 32 manufacturer, or ~~out of state~~ retailer is domiciled shall be submitted to the secretary  
 33 of the Department of Revenue with the application. ~~No other permit or license shall~~  
 34 ~~be required of any such out-of-state wine producer, manufacturer, or out of state~~  
 35 ~~retailer in connection with the direct shipment of sparkling wine or still wine~~  
 36 ~~pursuant to Subsection B of this Section.~~

37 D.(1) Any out-of-state wine producer, manufacturer, or ~~out-of-state~~ retailer  
 38 who sells and ships directly to a consumer in Louisiana pursuant to ~~Subsection B~~ of  
 39 this Section shall file a statement ~~quarterly~~ monthly indicating the amount of  
 40 sparkling wine or still wine shipped to the state of Louisiana with the secretary of the  
 41 Department of Revenue. The statement shall be filed by ~~January twentieth, April~~  
 42 ~~twentieth, July twentieth, and October~~ the twentieth of each ~~calendar year~~ month and  
 43 shall indicate the total number of bottles sold and shipped during the preceding  
 44 month ~~three-month period~~, the sizes of those bottles, the name brand of each  
 45 sparkling wine or still wine included in such shipments, the quantities of each  
 46 sparkling wine or still wine included in such shipments, and the price of each item  
 47 included in such shipments. All excise and sales and use taxes due to the state of  
 48 Louisiana on the sparkling wine or still wine sold and shipped pursuant to ~~Subsection~~  
 49 ~~B~~ of this Section shall be remitted by company check drawn on an account in the  
 50 name of the permit holder or by electronic funds transfer at the time of the filing of  
 51 the required statement, and copies of all invoices transmitted with each shipment  
 52 shall be attached to the statement. This statement shall be made on forms prescribed  
 53 and furnished by the secretary of the Department of Revenue and shall include such  
 54 other information as the secretary of the Department of Revenue may require.

55 (2) Upon the request of the commissioner, the secretary of the Department  
 56 of Revenue may provide copies of the annual application or ~~quarterly~~ monthly

1 statements filed by any out-of-state wine producer or manufacturer or ~~any out-of-~~  
2 ~~state~~ retailer selling or shipping wine directly to a Louisiana consumer.

3 (3)(a) Any person who transports sparkling wine or still wine for direct  
4 shipment into or out of the state in accordance with this Section shall register with  
5 the commissioner of the state office of alcohol and tobacco control.

6 (b) The commissioner shall promulgate rules in accordance with the  
7 Administrative Procedure Act for transport registrants that shall include regular  
8 reporting requirements related to size of containers and quantities of sparkling wine  
9 and still wine contained in each shipment and any other reporting requirements  
10 deemed necessary by the commissioner. The rules shall include requirements that  
11 prevent sales and deliveries to underage persons.

12 (c) Any person who transports sparkling wine or still wine for direct shipment  
13 into or out of the state in violation of this Section or the administrative rules shall be  
14 subject to a civil penalty of up to twenty-five thousand dollars or the seizure of any  
15 sparkling wine or still wine, or both."

16 E. The provisions of R.S. 26:85, 142, 143, 348 through 350, 360, 364, and  
17 365 shall not apply to wine producers, manufacturers, and retailers only in  
18 connection with direct sales and shipments when authorized to engage in the direct  
19 sale and shipment of sparkling wine or still wine under the provisions of ~~Subsection~~  
20 ~~B~~ of this Section.

21 F. Any out-of-state retailer ~~domiciled outside of Louisiana~~ or any wine  
22 producer or manufacturer who violates any provision of this Section shall be subject  
23 to a civil penalty in the amount of twenty-five thousand dollars. Any out-of-state  
24 retailer ~~domiciled outside of Louisiana~~ or any wine producer or manufacturer that  
25 sells and ships directly to consumers in Louisiana pursuant to ~~Subsection B~~ of this  
26 Section shall, on the application for authority to make such shipments filed with the  
27 secretary of the Department of Revenue and on the application for a permit filed with  
28 the state office of alcohol and tobacco control in accordance with ~~Subsection C~~ of  
29 this Section, acknowledge in writing the civil penalty established in this Subsection  
30 and shall consent to the imposition thereof upon violation of this Section. The  
31 secretary or the commissioner may initiate and maintain a civil action in a court of  
32 competent jurisdiction to enjoin any violation of this Section and to recover the civil  
33 penalty established in this Subsection, together with all costs and attorney fees  
34 incurred by the secretary or the commissioner incidental to any such action.

35 Section 2. This Act shall become effective on July 1, 2016; if vetoed by the  
36 governor and subsequently approved by the legislature, this Act shall become  
37 effective on July 1, 2016, or on the day following such approval by the legislature,  
38 whichever is later."