

CHAPTER NO. 876

HOUSE BILL NO. 2762

By Representatives Head, Langster

Substituted for: Senate Bill No. 2794

By Senators Henry, Cohen

AN ACT to amend Tennessee Code Annotated, Section 57-3-203; Section 57-3-204; Section 57-3-206; Section 57-3-207; Section 57-3-605; Section 57-4-102 and Section 57-4-301, relative to privilege taxes and licensing fees levied or imposed for the administration and enforcement of the duties and powers of the Tennessee Alcoholic Beverage Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-206, is amended by adding a period after the words "of such licenses"; by deleting the language ", and the commission shall deposit collections monthly with the state treasurer, for the general funds of the state" and by substituting instead the following language:

The commission shall deposit collections with the state treasurer to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

SECTION 2. Tennessee Code Annotated, Section 57-3-207(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

Each applicant for a winery license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. Such license shall not be issued until a license fee of one hundred and fifty dollars (\$150) is paid to the commission by the winery, but issuance of the license is exempt from the requirements of § 57-3-106. The commission shall deposit collections with the state treasurer to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

SECTION 3. Tennessee Code Annotated, Section 57-3-204(b)(1), is amended by:

(1) Adding the following language to the beginning of the subsection:

Each applicant for a retail license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review.

(2) Deleting the language "five hundred dollars (\$500)" and substituting instead the language "eight hundred fifty dollars (\$850)".

SECTION 4. Tennessee Code Annotated, Section 57-3-605(b), is amended by deleting the language "fifty dollars (\$50.00)" and by substituting instead the language "one hundred and fifty dollars (\$150)"; and is further amended by deleting the language

"one hundred dollars (\$100)", and substituting instead the language "two hundred fifty dollars (\$250)".

SECTION 5. Tennessee Code Annotated, Section 57-3-203(b), is amended by:

(1) Adding the following language to the beginning of the section:

Each applicant for a wholesale license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review.

(2) Deleting the language "one thousand dollars (\$1,000) and substituting the language "three thousand dollars (\$3,000)".

SECTION 6. Tennessee Code Annotated, Section 57-4-102(28)(C), is amended by deleting the language "fifty dollars (\$50.00)" and substituting instead the language "one hundred dollars (\$100)".

SECTION 7. Tennessee Code Annotated, Section 57-4-301(b), is amended by deleting subdivision (1) in its entirety and substituting instead the following language:

(1) Each applicant for an on-premises consumption license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. Further, once a license is approved, for the exercise of such privilege, the following taxes are levied to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission, and are to be paid annually, as follows: Effective

	<u>July 2003</u>	<u>July 2004</u>
(A) Private Club	\$ 300	\$ 500
(B) Convention Center	\$ 500	\$1000
(C) Premier Type Tourist Resort	\$1500	\$2000
(D) Historic Performing Arts Center	\$ 300	\$ 150
(E) Urban Park Center	\$ 500	\$ 150
(F) Commercial Passenger Boat Company	\$ 750	\$1250
(G) Historic Mansion House Site	\$ 300	\$ 150
(H) Historic Interpretive Center	\$ 300	\$ 150
(I) Community Theater	\$ 300	\$ 150
(J) Zoological Institution	\$ 300	\$ 150
(K) Museum	\$ 300	\$ 150
(L) Establishment in a terminal building of a commercial air carrier Airport	\$1000	\$1500
(M) Commercial Airline Travel Club	\$ 500	\$1000
(N) Public Aquarium	\$ 300	\$ 150
(O) Motor Speedway	\$1000	\$2000
(P) Sports Facility	\$1000	\$2000
(Q) Theater	\$ 300	\$ 150

Further, for the exercise of such privilege, the following taxes are hereby levied to be earmarked for and allocated to the commission for the purpose of administration and enforcement of the duties, powers, and functions of the commission, and are to be paid in accordance with the following schedule:

(R) Restaurant, according to seating capacity, on licensed premises:

	July 2003	July 2004	July 2005	July 2006
(i) 75 – 125 seats	600	650	700	750
(ii) 126 – 175 seats	750	800	850	925
(iii) 176 – 225 seats	800	850	900	975
(iv) 226 – 275 seats	900	950	1025	1100
(v) 276 seats and more	1000	1050	1125	1200

Wine-only restaurant, according to seating capacity on licensed premises:

(vi) 40 – 125 seats	120		170	220	270
(vii) 126 – 175 seats	150	200	250	300	
(viii) 176 – 225 seats	160	210	260	310	
(ix) 226 – 275 seats	180	230	280	330	
(x) 276 seats and more	200	250	300	350	

(S) Caterers

	500	550	575	625
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(T) Hotels, according to room capacity, on licensed premises:

(i) 0 – 99 rooms	1000	1000	1000	1000
(ii) 100 – 399 rooms	1000	1000	1200	1250
(iii) 400 rooms and over	1000	1200	1400	1500

SECTION 8. Tennessee Code Annotated, Section 57-4-301(b)(2), is amended by adding the following language after the first sentence:

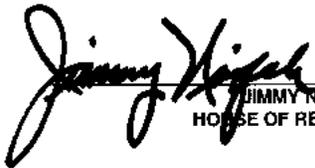
However, such privilege tax collected by the county or municipality will remain at the 2003 level; any monetary increase of the privilege tax in fiscal years beginning July 1, 2004, and thereafter, as provided in this subsection will be solely used for the purpose of the administration and enforcement of the duties, powers, and functions of the Tennessee alcoholic beverage commission.

SECTION 9. Tennessee Code Annotated, Section 57-4-301(d), is amended by deleting the language “seven hundred fifty dollars (\$750)” and by substituting instead the language “twelve hundred fifty dollars (\$1250)”.

SECTION 10. Tennessee Code Annotated, Section 57-4-301(f), is amended by deleting the language “a five hundred dollar (\$500) additional privilege tax,” and by substituting instead the language “an additional privilege tax in accordance with subsection (b)(1)(S).”.

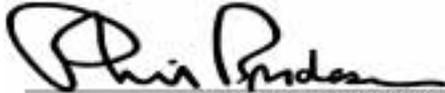
SECTION 11. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of June 2004


PHIL BREDEESEN, GOVERNOR