

Amendment No. 1 to HB0986

Todd
Signature of Sponsor

AMEND Senate Bill No. 1224

House Bill No. 986*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-602, is amended by inserting the language “, § 57-3-203” after the language “§ 57-3-202” where it appears in the last sentence.

SECTION 2. Tennessee Code Annotated, Section 57-3-606, is amended by deleting the period (.) at the end of the first sentence and inserting in lieu thereof the following:

or a wholesaler licensed pursuant to § 57-3-203 holding a basic permit under the Federal Alcohol Administration Act as an importer.

SECTION 3. Tennessee Code Annotated, Section 57-3-605, is amended by inserting after subsection (c) the following new subsection, re-designating subsection (d) as subsection (e):

(d) Any wholesaler, holding a license issued pursuant to § 57-3-203, shall be authorized to act as an importer of alcoholic beverages and wine if such wholesaler holds a basic permit issued pursuant to the Federal Alcohol Administration Act as an importer, advises the commission of its intent to act as an importer, pays an additional annual fee of two hundred fifty dollars (\$250) to the commission and otherwise complies with the obligations of an importer pursuant to § 57-3-301 and title 47, chapter 25, part 15.

SECTION 4. Tennessee Code Annotated, Section 57-2-104, is amended by deleting the section in its entirety and by substituting instead the following language:

It is lawful for the holder of a license issued pursuant to § 57-2-102, or the authorized agent of such licensee, to possess, store or transport the products of the manufacturing plant within, over and across the state; provided that any alcoholic beverages or wine produced at a plant located within this state shall be stored by the licensee only within the county authorizing the operation, and such possession shall be limited to storage facilities of such manufacturer, provided that such licensee may also possess such alcoholic beverages or wine while being transported, whether within or outside of the state. It is lawful for common carriers to transport the products of such manufacturing plant only pursuant to an agreement or contract with a licensee under this title.

SECTION 5. Tennessee Code Annotated, Section 57-2-105(a), is amended by deleting the word “Nothing” and by substituting instead the language “Except as otherwise provided by law, nothing”.

SECTION 6. Tennessee Code Annotated, Section 57-3-602, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) A nonresident seller's permit is also required of any importer, broker, or other entity that imports alcoholic beverages into the state of Tennessee for the purpose of the following:

(A) Warehousing wine and other alcoholic beverage in the state for the purpose of sale to entities legally authorized to purchase such wine and alcoholic beverages outside the state of Tennessee;

(B) Selling wines which are not registered pursuant to § 57-3-301 and which are not capable of being registered in that no qualified manufacturer, winery or distiller exists to approve such registration, provided such sales within the state shall be permitted only to wholesalers licensed pursuant to § 57-3-203; and

(C) Selling wines which are registered pursuant to § 57-3-301 but as to which vintages are not available from the manufacturer, winery, or distiller, but such sales shall be permitted only to those wholesalers authorized to distribute such wines by the manufacturer, winery, or distiller as identified on the registration records of the department of revenue.

(2) A nonresident seller licensed under this subsection is not subject to the provisions of §§ 57-3-607 and 57-3-608.

SECTION 7. This act take effect upon becoming a law, the public welfare requiring it.