**South Carolina General Assembly**

118th Session, 2009-2010

**A259, R328, H4516**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. M.A. Pitts

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Introduced in the House on February 3, 2010

Introduced in the Senate on April 21, 2010

Last Amended on May 27, 2010

Passed by the General Assembly on June 2, 2010

Governor's Action: June 11, 2010, Signed

Summary: Beer and wine

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-03-10.docx)‑4

2/3/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\02-03-10.docx)‑4

4/14/2010 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\04-14-10.docx)‑77

4/20/2010 House Amended [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑166

4/20/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑166

4/21/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\04-21-10.docx)‑11

4/21/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\04-21-10.docx)‑7

4/21/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\04-21-10.docx)‑7

4/28/2010 Senate Referred to Subcommittee: Campbell (ch), Cleary, Williams, Mulvaney, Nicholson

5/26/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\05-26-10.docx)‑17

5/27/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h:\SJ%20Archive\2010\05-27-10.docx)‑37

5/27/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\05-27-10.docx)‑37

6/1/2010 Scrivener's error corrected

6/1/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\06-01-10.docx)‑37

6/2/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2010\06-02-10.docx)‑67

6/2/2010 House Roll call Yeas‑103 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\06-02-10.docx)‑67

6/7/2010 Ratified R 328

6/11/2010 Signed By Governor

7/2/2010 Effective date See Act for Effective Date

7/8/2010 Act No. 259

**VERSIONS OF THIS BILL**

[2/3/2010](file:///p:\pprever\2009-10\4516_20100203.docx)

[4/14/2010](file:///p:\pprever\2009-10\4516_20100414.docx)

[4/20/2010](file:///p:\pprever\2009-10\4516_20100420.docx)

[5/26/2010](file:///p:\pprever\2009-10\4516_20100526.docx)

[5/27/2010](file:///p:\pprever\2009-10\4516_20100527.docx)

[6/1/2010](file:///p:\pprever\2009-10\4516_20100601.docx)

(A259, R328, H4516)

**AN ACT** **TO AMEND SECTION 61-4-550, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; TO AMEND SECTION 61-4-240, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, CONSUMPTION, OR SALE OF BEER OR WINE, SO AS TO REMOVE A REFERENCE TO SECTION 61-6-510; TO AMEND SECTION 61-6-2000, RELATING TO SPECIAL PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS, SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Beer and wine, special permits for nonprofit organizations**

SECTION 1. Section 61‑4‑550 of the 1976 Code is amended to read:

“Section 61‑4‑550. (A) The department may issue permits to nonprofit organizations running for a period not exceeding fifteen days for a fee of ten dollars per day. For purposes of this section, a ‘nonprofit organization’ is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State. These special permits may be issued only for locations at fairs and special functions.

(B) The department shall require the applicant to obtain a criminal records check conducted by the State Law Enforcement Division within ninety days prior to an initial application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. For a subsequent application, the applicant is not required to obtain a new criminal records check unless:

(1) more than two years have elapsed since the most recent criminal records check was conducted; or

(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.

(C) The department shall require the applicant to notify in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.

(D) Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.”

**Beer and wine, temporary permits, technical change**

SECTION 2. Section 61‑4‑240 of the 1976 Code is amended to read:

“Section 61‑4‑240. Temporary permits for the possession, consumption, and sale of beer or wine may be issued pursuant to Section 61‑4‑550, 61‑6‑500, 61‑6‑2000, or 61‑6‑2010, as appropriate, and in accordance with these statutes.”

**Alcoholic liquors, special permits for nonprofit organizations**

SECTION 3. Section 61‑6‑2000 of the 1976 Code is amended to read:

“Section 61‑6‑2000. (A) Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty‑four hours. A qualifying nonprofit organization may sell tickets at the door. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function, but upon request by the applicant, the department may waive this requirement. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications.

(B) The department shall require the applicant to obtain a criminal background check conducted by the State Law Enforcement Division within ninety days prior to an initial application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. For a subsequent application, the applicant is not required to obtain a new criminal records check unless:

(1) more than two years have elapsed since the most recent criminal records check was conducted; or

(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.

(C) The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.

(D) The department may issue up to twenty‑five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve‑month period.

(E) For purposes of this section, ‘nonprofit organization’ is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.

(F) Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.”

**Repealed section**

SECTION 4. Section 61‑6‑510 of the 1976 Code is repealed.

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor and applies to applications for special functions beginning on January 1, 2011.

Ratified the 7th day of June, 2010.

Approved the 11th day of June, 2010.

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