COMMITTEE REPORT

March 20, 2014

**H. 3626**

Introduced by Reps. Lucas, Williams, Munnerlyn, Lowe, Bannister, Finlay and Weeks

S. Printed 3/20/14--H.

Read the first time February 27, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3626) to amend the Code of Laws of South Carolina, 1976, by adding Section 61‑4‑515 so as to provide that the owner of a “motorsports entertainment complex”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑515. (A) In addition to the licenses authorized pursuant to the provisions of this article, the department also may issue an annual license to the owner of a ‘motorsports entertainment complex’ located in this State, as defined in Section 12‑21‑2425, or his designee, which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The fee for the annual license is one thousand dollars with the revenue therefrom used for the purposes provided in Section 61‑4‑510. Notwithstanding another provision of this article, the issuance of this license authorizes the licensee to purchase beer and wine from licensed wholesalers in the same manner that a person with appropriate licenses issued pursuant to this title purchases beer and wine from licensed wholesalers. The department shall charge a nonrefundable filing fee of two hundred dollars for processing the annual application. The department in its discretion may specify the terms and conditions of the license, pursuant to existing provisions of law and regulations governing these applications.

(B) The department may require such proof of qualifications for the issuance of these licenses as it considers necessary, and these licenses may be issued whether or not the motorsports entertainment complex is located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of beer or wine or alcoholic liquors by the drink for a period not to exceed twenty‑four hours.

(C) The owner or designee of the motorsports entertainment complex may designate particular areas within the complex where patrons of events who have paid an admission price to attend or guests who are attending private functions at the complex, whether or not a charge for attendance is made, may possess and consume beer and wine provided at their own expense or at the expense of the sponsor of the private function.”

SECTION 2. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2016. In addition to the other provisions of this chapter, the owner of a ‘motorsports entertainment complex’ which is located in this State as defined in Section 12‑21‑2425, or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the ground of the complex under the same terms and conditions provided in Section 61‑4‑515, provided that if the owner or his designee applies for both a license to purchase, sell, and consume beer and wine and a license to purchase, sell, and consume alcoholic liquors, only one fee is required which must be the same as the fee for an annual fifty‑two week permit under Section 61‑6‑2010 with the revenue therefrom used for the same purposes as provided in Section 61‑6‑2010.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑515 SO AS TO PROVIDE THAT THE OWNER OF A “MOTORSPORTS ENTERTAINMENT COMPLEX” LOCATED IN THIS STATE OR HIS DESIGNEE MAY APPLY FOR AND BE ISSUED AN ANNUAL LICENSE WHICH AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF BEER AND WINE AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX YEAR ROUND ON ANY DAY OF THE WEEK, TO PROVIDE FOR THE TERMS AND CONDITIONS FOR THIS ANNUAL LICENSE, INCLUDING THE FEE, AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE ADMINISTRATION OF THIS LICENSE AND APPLICABLE ALCOHOLIC BEVERAGE CONTROL LAWS IN CONNECTION WITH THE USE OF THIS LICENSE; AND BY ADDING SECTION 61‑6‑2016 SO AS TO PROVIDE THAT THE OWNER OF A “MOTORSPORTS ENTERTAINMENT COMPLEX”, OR HIS DESIGNEE, ALSO MAY BE ISSUED, UPON APPLICATION, AN ANNUAL LICENSE THAT AUTHORIZES THE PURCHASE, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK AT ANY OCCASION HELD ON THE GROUNDS OF THE COMPLEX UNDER THE SAME SPECIFIED TERMS AND CONDITIONS AS PROVIDED FOR BEER AND WINE PERMITS.

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

SECTION 1. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑515. (A) In addition to the licenses authorized pursuant to the provisions of this article, the department also may issue an annual license to the owner of a ‘motorsports entertainment complex’ located in this State, as defined in Section 12‑21‑2425, or his designee, which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The fee for the annual license is one thousand dollars with the revenue therefrom used for the purposes provided in Section 61‑4‑510. Notwithstanding another provision of this article, the issuance of this license authorizes the licensee to purchase beer and wine from licensed retail dealers in the same manner that a person with appropriate licenses issued pursuant to this title purchases beer and wine from licensed dealers. The department shall charge a nonrefundable filing fee of two hundred dollars for processing the annual application. The department in its discretion may specify the terms and conditions of the license, pursuant to existing provisions of law and regulations governing these applications.

(B) The department may require such proof of qualifications for the issuance of these licenses as it considers necessary, and these licenses may be issued whether or not the motorsports entertainment complex is located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of beer or wine or alcoholic liquors by the drink for a period not to exceed twenty‑four hours.

(C) In addition to the provisions of Section 61‑6‑500, the owner or designee of the motorsports entertainment complex may designate particular areas within the complex where patrons of events who have paid an admission price to attend or guests who are attending private functions at the complex, whether or not a charge for attendance is made, may possess and consume beer and wine provided at their own expense or at the expense of the sponsor of the private function. Violations of this subsection may be punished as provided in Section 61‑6‑500.

(D) If the owner of the motorsports entertainment complex is also the licensee under the provisions of subsection (A), no alcohol sponsorship revenue may be paid to the complex owner in connection with any event conducted at the complex. If the owner of the complex designates a separate entity or subsidiary to be the applying licensee under subsection (A), alcoholic sponsorship revenue may be paid to the complex owner in conjunction with any event conducted at the complex.”

SECTION 2. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2016. In addition to the other provisions of this chapter, the owner of a ‘motorsports entertainment complex’ which is located in this State as defined in Section 12‑21‑2425, or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the ground of the complex under the same terms and conditions provided in Section 61‑4‑515, provided that if the owner or his designee applies for both a license to purchase, sell, and consume beer and wine and a license to purchase, sell, and consume alcoholic liquors, only one fee is required which must be the same as the fee for an annual fifty‑two week permit under Section 61‑6‑2010 with the revenue therefrom used for the same purposes as provided in Section 61‑6‑2010.”

SECTION 3. This act takes effect upon approval by the Governor.

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