**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3236**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and S. Williams

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Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Liquor sales, certain days

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 137](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 137](file:///h:\hj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3236_20181218.docx)

**A** **BILL**

TO AMEND SECTION 61‑6‑4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF ALCOHOLIC LIQUORS ON CERTAIN DAYS, SO AS TO PROVIDE THAT THE SALE OF ALCOHOLIC LIQUORS ON SUNDAY MAY BE AUTHORIZED BY REFERENDUM.

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

SECTION 1. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. (A) It is unlawful to sell alcoholic liquors ~~on Sunday except as authorized by law,~~ on Christmas Day~~,~~ or during periods proclaimed by the Governor in the interest of law and order or public morals and decorum. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. It is unlawful for a retail dealer to sell alcoholic liquors on Sunday except as authorized and provided for in subsections (B) and (C).

(B) The Department of Revenue may issue a permit to allow the sale of alcoholic liquors on Sunday by a licensed retail dealer in a county or municipality that authorizes the sale of alcoholic liquors on Sunday in the manner provided in subsection (C). The department shall charge a nonrefundable filing fee of one hundred dollars for processing each application. The department shall charge for an annual fifty‑two week permit a nonrefundable fee of three thousand dollars per year. However, the fifty‑two week permit must not extend beyond the expiration date of the biennial license issued pursuant to this chapter. If the expiration date is less than fifty‑two weeks from the date of the application for the fifty‑two week permit, the department must prorate the three thousand dollar fee on a monthly basis. The department in its sole discretion shall specify the terms and conditions of the permit. The filing and permit fees must be distributed by the State Treasurer to the municipality or county in which the retailer who paid the fee is located.

(C)(1) A permit authorized by this section may be issued only in those counties or municipalities where a majority of the qualified electors voting in a referendum vote in favor of the issuance of the permit. The county or municipal election commission, as the case may be, shall conduct a referendum upon petition of at least ten percent but not more than seven thousand five hundred qualified electors of the county or municipality, as the case may be. The petition form must be submitted to the election commission not less than one hundred twenty days before the date of the referendum. The names on the petition must be on the petition form provided to county election officials by the State Election Commission. The names on the petition must be certified by the election commission within sixty days after receiving the petition form. The referendum must be conducted at the next general election. The election commission shall cause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum. The state election laws must apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the South Carolina Department of Revenue. The question on the ballot must be:

‘Shall the South Carolina Department of Revenue be authorized to issue permits to licensed retail dealers in this (county) (municipality) to allow for the sale of alcoholic liquors on Sunday in compliance with the provisions of the Alcoholic Beverage Control Act?’

(2) A referendum for this purpose may not be held more often than once in forty‑eight months.

(3) The expenses for this purpose must be paid by the county or municipality conducting the referendum.

(4) In addition to the petition method of calling the referendum provided for in this subsection, a county or municipal governing body by ordinance also may call the referendum. Upon receipt of a copy of the ordinance filed with the county or municipal election commission at least sixty days before the date of the next general election, the commission shall conduct the referendum in the manner provided in this section at that general election. The provisions of this item are in addition to the authority of a municipal governing body to call for a referendum under the circumstances enumerated in subsection (C)(1).

(D)(1) The municipal governing body may order a referendum on the question of the issuance of permits to allow the sale of alcoholic liquors in the following circumstances:

(a) parts of the municipality are located in more than one county;

(b) as a result of a favorable vote in a county referendum held pursuant to this section, permits may be issued in only the parts of the municipality located in that county; and

(c) the proposed referendum would authorize issuance of permits in the remaining parts of the municipality.

(2) The method of ordering a referendum provided in this subsection is in addition to the petition method provided in subsection (C). An unfavorable vote in a municipal referendum does not affect the authority to issue these permits in the part of the municipality located in a county where these permits may be issued.

(3) Upon receipt of a copy of the ordinance filed with the municipal election commission at least sixty days before the date of the general election, the commission must conduct the referendum at the time of the general election and publish and certify its results in the same manner as provided in subsection (C).

(E) Permits issued by the Department of Revenue pursuant to this section may be issued in all parts of a municipality if any part of the municipality is located in a county where the issuance of these permits is allowed.

(F)(1) For purposes of referendums held pursuant to this section, ‘general election’ means a:

(a) municipal general election held at a time other than the first Tuesday following the first Monday in November of even‑numbered years; or

(b) county general election held on the first Tuesday following the first Monday in November of even‑numbered years.

(2) A municipality that does not have a municipal general election scheduled within the same calendar year as a county general election may call, by ordinance, for a referendum to be held on the same date as the county general election, provided that a copy of the ordinance has been filed with the county and municipal election commissions no later than the date required by Section 7‑13‑355. The expenses for a referendum ordered by a municipality must be paid by the municipality. When a municipal referendum is held at the time of a county general election, the referendum may be conducted by the municipal or county election commission as provided for by an agreement between the municipality and county.

(G) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

~~(a)~~(1) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

~~(b)~~(2) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

~~(c)~~(3) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.”

SECTION 2. This act takes effect upon approval by the Governor.

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