COMMITTEE REPORT

May 20, 2015

**H. 3450**

Introduced by Reps. Bannister, Tallon, Cobb‑Hunter, D.C. Moss, Herbkersman, Murphy, Brannon, Bedingfield, Delleney, Finlay, Forrester, Gambrell, Goldfinch, Hamilton, Henderson, Hicks, Horne, McCoy, Pitts, Quinn, G.M. Smith and Spires

S. Printed 5/20/15--H.

Read the first time January 28, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3450) to amend the Code of Laws of South Carolina, 1976, by adding Section 61‑4‑360 so as to prohibit a beer wholesaler from delivering beer to a retail, 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. Article 3, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑360. (A) A beer wholesaler shall not deliver beer to a retail beer and wine permit holder unless the beer has been received and unloaded at a licensed wholesaler’s licensed premises within this state.

(B) A beer wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars and have his license suspended for not more than one hundred eighty days, or both;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.

Section 61‑4‑370. (A) A wine wholesaler shall not deliver wine to a retail beer and wine permit holder unless the wine has been received and unloaded at a licensed wholesaler’s licensed premises within this State for a period of not less than twenty‑four hours.

(B) A wine wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars and have his license suspended for not more than one hundred eighty days;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.”

SECTION 2. Subarticle 13, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑1325. (A) A liquor wholesaler shall not deliver alcoholic liquors to a retail liquor license holder unless the alcoholic liquors have been received and unloaded at a licensed wholesaler’s licensed premises within this State for a period of not less than twenty‑four hours.

(B) A liquor wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars and have his license suspended for not more than one hundred eighty days;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑360 SO AS TO PROHIBIT A BEER WHOLESALER FROM DELIVERING BEER TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE BEER HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES, AND TO PROVIDE PENALTIES; BY ADDING SECTION 61‑4‑370 SO AS TO PROHIBIT A WINE WHOLESALER FROM DELIVERING WINE TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE WINE HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY‑FOUR HOURS, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑1325 SO AS TO PROHIBIT A LIQUOR WHOLESALER FROM DELIVERING ALCOHOLIC LIQUORS TO A RETAIL LIQUOR LICENSE HOLDER UNLESS THE ALCOHOLIC LIQUORS HAVE BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY‑FOUR HOURS, AND TO PROVIDE PENALTIES.

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

SECTION 1. Article 3, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑360. (A) A beer wholesaler shall not deliver beer to a retail beer and wine permit holder unless the beer has been received, unloaded, and stored or warehoused at its licensed premises.

(B) A beer wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars and have his license suspended for not more than one hundred eighty days, or both;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.

Section 61‑4‑370. (A) A wine wholesaler shall not deliver wine to a retail beer and wine permit holder unless the wine has been received, unloaded, and stored or warehoused at its licensed premises for a period of not less than twenty‑four hours.

(B) A wine wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars and have his license suspended for not more than one hundred eighty days;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.”

SECTION 2. Subarticle 13, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑1325. (A) A liquor wholesaler shall not deliver alcoholic liquors to a retail liquor license holder unless the alcoholic liquors have been received, unloaded, and stored or warehoused at its licensed premises for a period of not less than twenty‑four hours.

(B) A liquor wholesaler who violates the provisions of this section must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within one year of the first offense, be fined not less than two hundred dollars nor more than five

hundred dollars and have his license suspended for not more than one hundred eighty days;

(3) for a third offense within two years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently.”

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

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