

1 AN ACT relating to micro out-of-state distilled spirits and wine supplier's licenses.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 243.030 is amended to read as follows:

4 The following licenses that authorize traffic in distilled spirits and wine may be issued by  
5 the distilled spirits administrator. Licenses that authorize traffic in all alcoholic beverages  
6 may be issued by both the distilled spirits administrator and malt beverages administrator.

7 The licenses and their accompanying fees are as follows:

8 (1) Distiller's license:

9 (a) Class A, per annum .....\$3,090.00

10 (b) Class B (craft distillery), per annum .....\$1,000.00

11 (2) Rectifier's license:

12 (a) Class A, per annum .....\$2,580.00

13 (b) Class B (craft rectifier), per annum .....\$825.00

14 (3) Winery license, per annum .....\$1,030.00

15 (4) Small farm winery license, per annum .....\$110.00

16 (a) Small farm winery off-premises retail license, per annum .....\$30.00

17 (5) Wholesaler's license, per annum .....\$2,060.00

18 (6) Quota retail package license, per annum.....\$570.00

19 (7) Quota retail drink license, per annum .....\$620.00

20 (8) Transporter's license, per annum .....\$210.00

21 (9) Special nonbeverage alcohol license, per annum .....\$60.00

22 (10) Special agent's or solicitor's license, per annum .....\$30.00

23 (11) Bottling house or bottling house storage license,  
24 per annum .....\$1,030.00

25 (12) Special temporary license, per event .....\$100.00

26 (13) Special Sunday retail drink license, per annum ..... \$520.00

27 (14) Caterer's license, per annum ..... \$830.00

1	(15) Special temporary alcoholic beverage	
2	auction license, per event .....	\$100.00
3	(16) Extended hours supplemental license, per annum .....	\$2,060.00
4	(17) Hotel in-room license, per annum .....	\$210.00
5	(18) Air transporter license, per annum .....	\$520.00
6	(19) Sampling license, per annum .....	\$110.00
7	(20) Replacement or duplicate license .....	\$25.00
8	(21) Entertainment destination center license, per annum .....	\$7,730.00
9	(22) Limited restaurant license, per annum .....	\$780.00
10	(23) Limited golf course license, per annum .....	\$720.00
11	(24) Small farm winery wholesaler's license, per annum .....	\$110.00
12	(25) Qualified historic site license, per annum .....	\$1,030.00
13	(26) Nonquota type 1 license, per annum .....	\$4,120.00
14	(27) Nonquota type 2 license, per annum .....	\$830.00
15	(28) Nonquota type 3 license, per annum .....	\$310.00
16	(29) Distilled spirits and wine storage license, per annum .....	\$620.00
17	(30) Out-of-state distilled spirits and wine supplier's license, per annum .....	\$1,550.00
18	(31) Limited out-of-state distilled spirits and	
19	wine supplier's license, per annum .....	\$260.00
20	(32) <b><u>Micro out-of-state distilled spirits and</u></b>	
21	<b><u>wine supplier's license, per annum .....</u></b>	<b><u>\$10.00</u></b>

22 **(33)** Authorized public consumption license, per annum.....\$250.00

23 ~~(34)~~[(33)] A nonrefundable fee of sixty dollars (\$60) shall be charged to process each  
 24 new transitional license pursuant to KRS 243.045.

25 ~~(35)~~[(34)] Other special licenses the board finds necessary for the proper regulation and  
 26 control of the traffic in distilled spirits and wine and provides for by administrative  
 27 regulation. In establishing the amount of license taxes that are required to be fixed

1 by the board, it shall have regard for the value of the privilege granted.

2 ~~(36)~~~~(35)~~ The fee for each of the first five (5) supplemental bar licenses shall be the  
3 same as the fee for the primary retail drink license. There shall be no charge for  
4 each supplemental license issued in excess of five (5) to the same licensee at the  
5 same premises.

6 A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each  
7 new application under this section, except for subsections (4), (8), (9), (10), (12), (15),  
8 (19), and (20) of this section. The application fee shall be applied to the licensing fee if  
9 the license is issued; otherwise it shall be retained by the department.

10 ➔Section 2. KRS 243.212 is amended to read as follows:

11 (1) An out-of-state distiller, wholesaler, rectifier, winery, small farm winery, importer  
12 for a distillery, winery, or small farm winery, or importer of a non-United States  
13 brand of distilled spirits or wine, who is the primary source of supply, may obtain a  
14 distilled spirits and wine supplier's license for importing distilled spirits and wine  
15 into Kentucky if it is:

16 (a) Licensed to do business in the state in which it is located; and

17 (b) Registered with the Kentucky Department of Revenue.

18 (2) An entity listed in subsection (1) of this section who wishes to import more than  
19 fifty thousand (50,000) gallons of distilled spirits or wine shall:

20 (a) Apply for an out-of-state distilled spirits and wine supplier's license on an  
21 application provided by the department;

22 (b) Submit documentation required by the application; and

23 (c) Pay the annual fee required by KRS 243.030.

24 (3) An entity listed in subsection (1) of this section who wishes to import **at least two**  
25 **thousand (2,000) gallons but** less than fifty thousand (50,000) gallons of distilled  
26 spirits or wine shall:

27 (a) Apply for a limited out-of-state distilled spirits and wine supplier's license on

- 1 an application provided by the department;
- 2 (b) Submit documentation required by the application; and
- 3 (c) Pay the annual fee required by KRS 243.030.
- 4 (4) An entity listed in subsection (1) of this section who wishes to import less than
- 5 two thousand (2,000) gallons of distilled spirits or wine shall:
- 6 (a) Apply for a micro out-of-state distilled spirits and wine supplier's license on
- 7 an application provided by the department;
- 8 (b) Submit documentation required by the application; and
- 9 (c) Pay the annual fee required by KRS 243.030.
- 10 (5) An out-of-state applicant shall be exempt from the notice requirements of KRS
- 11 243.360.
- 12 ➔Section 3. KRS 243.360 is amended to read as follows:
- 13 (1) All persons, except an applicant for the same license for the same premises, or an
- 14 applicant for an out-of-state malt beverage supplier's license, limited out-of-state
- 15 malt beverage supplier's license, out-of-state distilled spirits and wine supplier's
- 16 license, limited out-of-state distilled spirits and wine supplier's license, micro out-
- 17 of-state distilled spirits and wine supplier's license, supplemental bar license,
- 18 extended hours supplemental license, a special agent or solicitor's license, a special
- 19 nonbeverage alcohol license, a transporter's license, a special Sunday drink license,
- 20 a hotel in-room license, a sampling license, or a special temporary drink license
- 21 shall, before applying for a license, advertise by publication their intention to apply
- 22 for a license in the newspaper for legal notices under KRS 424.120 for the county or
- 23 city whose local administrator has local jurisdiction over the proposed premises.
- 24 (2) The notice shall contain the following information:
- 25 (a) The notice shall state: the name and address of the applicant and the name and
- 26 address of each principal owner, partner, member, officer, and director if the
- 27 applicant is a partnership, limited partnership, limited liability company,

- 1 corporation, governmental agency, or other business entity recognized by law;
- 2 (b) The notice shall specifically state the location of the premises for which the
- 3 license is sought, the type of business, and the type of license being requested;
- 4 and
- 5 (c) The notice shall state the date the application will be filed and shall contain
- 6 the following statement: "Any person, association, corporation, or body politic
- 7 may protest the approval of the license by writing the Department of
- 8 Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601,
- 9 within thirty (30) days of the date of legal publication."
- 10 (3) Any protest received after the thirty (30) day period has expired shall not be
- 11 considered a valid legal protest by the board.
- 12 (4) Substantial compliance with the information listed in subsection (2) of this section
- 13 shall be sufficient to comply with this section.