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HOUSE BILL NO. 1489

Offered March 5, 2004

A *BILL to amend and reenact §§ 4.1-209, 4.1-210, 4.1-230, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; annual banquet and annual mixed beverage banquet licenses.*

Patron—Hugo

Unanimous consent to introduce

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-209, 4.1-210, 4.1-230, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in any county with a population between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000 or (ii) has capacity for more than 3,500 persons and is located in any county with a population between 65,000 and 70,000 or in a city with a population between 40,000 and 47,000. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; and

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations

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59 designated by the Board in such facilities, for on-premises consumption. Upon authorization of the
60 licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the
61 premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or
62 exposition hall" and "convention centers" mean facilities conducting private or public trade shows or
63 exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

64 2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer
65 in closed containers for off-premises consumption and to deliver the same to purchasers in accordance
66 with Board regulations. All such deliveries of wine or beer shall be performed by the owner or any
67 agent, officer, director, shareholder or employee of the licensee.

68 3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed
69 containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any
70 person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed one ounce by
71 volume or (ii) a sample of beer not to exceed two ounces by volume, for on-premises consumption.

72 4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in
73 closed containers for off-premises consumption.

74 5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which
75 shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition,
76 shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and
77 to deliver the same to the purchasers, in accordance with Board regulations. All such deliveries of wine
78 or beer shall be performed by the owner or any agent, officer, director, shareholder or employee of the
79 licensee.

80 6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or
81 associations in charge of special events, which shall authorize the licensee to sell or give wine and beer
82 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms
83 or areas. A separate license shall be required for each day of each banquet or special event. For the
84 purposes of this subsection, when the location named in the original application for a license is
85 outdoors, the application may also name an alternative location in the event of inclement weather.
86 However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and
87 beer license.

88 7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within
89 the interior premises of the gift shop in closed containers for off-premises consumption and to deliver
90 the wine and beer to purchasers in accordance with Board regulations. All such deliveries of wine or
91 beer shall be performed by the owner or any agent, officer, director, shareholder or employee of the
92 licensee.

93 8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom
94 wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging,
95 and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for
96 off-premises consumption in accordance with subdivision 6 of § 4.1-200.

97 9. *Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable*
98 *membership organizations that are exempt from state and federal taxation and in charge of banquets*
99 *conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine*
100 *and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in*
101 *such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per*
102 *calendar year. For the purposes of this subdivision, when the location named in the original application*
103 *for a license is outdoors, the application may also name an alternative location in the event of*
104 *inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding*
105 *a retail wine and beer license.*

106 B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license
107 pursuant to this section may display within their licensed premises point-of-sale advertising materials
108 that incorporate the use of any professional athlete or athletic team, provided that such advertising
109 materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol,
110 Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior
111 to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete
112 is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic
113 beverage so advertised enhances athletic prowess.

114 § 4.1-210. Mixed beverages licenses.

115 A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to
116 mixed beverages:

117 1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed
118 beverages for consumption in dining areas and other designated areas on the premises of such restaurant.
119 Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts
120 from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages

served on the premises, after issuance of such license, amount to at least ~~forty-five~~45 percent of the gross receipts from the sale of mixed beverages and food.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least ~~forty-five~~45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least ~~forty-five~~45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

4. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating a performing arts facility or (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture. The operation in either case shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the sale, on the dates of performances or events in furtherance of the purposes of the nonprofit corporation or association, of alcoholic beverages, for on-premises consumption in areas upon the licensed premises approved by the Board.

5. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth.

6. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than twelve such licenses shall be granted to a club in any calendar year.

7. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in any county with a population between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in any city with a population between 103,900 and 104,500. Such license shall

182 authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic
183 or similar disposable containers to patrons within all seating areas, concourses, walkways, concession
184 areas, or similar facilities, for on-premises consumption.

185 9. Annual mixed beverage motor sports facility license to persons operating food concessions at any
186 outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on
187 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed
188 beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events
189 or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing
190 areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization
191 of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the
192 premises in all areas and locations covered by the license.

193 10. *Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic*
194 *or charitable membership organizations that are exempt from state and federal taxation and in charge*
195 *of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to*
196 *serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of*
197 *the place designated in the license. Such license shall authorize the licensee to conduct no more than 12*
198 *banquets per calendar year.*

199 B. The granting of any license under subdivision 1, 5, 6, 7, 8, ~~or~~ 9, or 10 shall automatically include
200 a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state
201 and local taxes required by §§ 4.1-231 and 4.1-233.

202 § 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

203 A. Every person intending to apply for any license authorized by this chapter shall file with the
204 Board an application on forms provided by the Board and a statement in writing, under oath, setting
205 forth any information required by the Board. Applications for banquet, tasting, mixed beverage special
206 events, or club events licenses shall not be required to be under oath, but the information contained
207 therein shall be certified as true by the applicant.

208 B. In addition, each applicant for a license under the provisions of this chapter, except applicants for
209 *annual banquet*, banquet, tasting, special events, club events, *annual mixed beverage banquet*, wine or
210 beer shipper's, wine and beer shipper's, or museum licenses issued under the provisions of Chapter 2
211 (§ 4.1-200 et seq.) of this title, or beer or wine importer's licenses located outside the Commonwealth,
212 shall post a notice of his application with the Board on the front door of the building, place or room
213 where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such
214 notice shall be of a size and contain such information as required by the Board.

215 The applicant shall cause a copy of such notice to be published at least once a week for two
216 consecutive weeks in a newspaper published in or having a general circulation in the county, city or
217 town wherein such applicant proposes to engage in such business. In the case of wine or beer shipper's
218 licensees, wine and beer shipper's licensees, or operators of boats, dining cars, buffet cars, club cars, and
219 airplanes, the posting and publishing of notice shall not be required.

220 Except for applicants for *annual banquet*, banquet, tasting, mixed beverage special events, club
221 events, *annual mixed beverage banquet*, or museum licenses, the Board shall conduct a background
222 investigation, to include a criminal history records search, on each applicant for a license.

223 The Board shall notify the local governing body of each license application through the county or
224 city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit
225 objections to the granting of a license within 30 days of the filing of the application.

226 C. Each applicant shall pay the required application fee at the time the application is filed. Each
227 license application fee, *including annual banquet and annual mixed beverage banquet*, shall be \$50, plus
228 \$15 for each criminal history records search required by the Board, except for banquet, tasting, mixed
229 beverage special events, or mixed beverage club events licenses, in which case the application fee shall
230 be \$15. Application fees shall be in addition to the state license tax required pursuant to § 4.1-231 and
231 shall not be refunded.

232 D. Subsection A shall not apply to the continuance of licenses granted under this chapter.

233 E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the
234 Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be
235 accompanied by a fee of \$125 and \$300, respectively. The fee for each such permit shall be subject to
236 proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall
237 be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by
238 one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths.
239 Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended
240 or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations
241 in the Commonwealth as otherwise provided by law.

242 The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for
243 applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied

244 by the number of months for which the permit is granted.
 245 The fee for a keg registration permit shall be \$50 annually.
 246 The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond
 247 or internal revenue bond in warehouses located in the Commonwealth shall be \$200 annually.
 248 § 4.1-231. Taxes on state licenses.
 249 A. The annual taxes on state licenses shall be as follows:
 250 1. Alcoholic beverage licenses. For each:
 251 a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured
 252 during the year in which the license is granted, \$350; and if more than 5,000 gallons manufactured
 253 during such year, \$2,860;
 254 b. Fruit distiller's license, \$2,860;
 255 c. Banquet facility license or museum license, \$145;
 256 d. Bed and breakfast establishment license, \$25;
 257 e. Tasting license, \$30 per license granted; and
 258 f. Equine sporting event license, \$100.
 259 2. Wine licenses. For each:
 260 a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
 261 license is granted, \$145, and if more than 5,000 gallons manufactured during such year, \$2,860;
 262 b. Wholesale wine license, \$715 for any wholesaler who sells 150,000 gallons of wine or less per
 263 year, \$1,100 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine
 264 per year, and \$1,430 for any wholesaler who sells more than 300,000 gallons of wine per year;
 265 c. Wine importer's license, \$285;
 266 d. Retail off-premises winery license, \$110;
 267 e. Farm winery license, \$145 for any Class A license and \$2,860 for any Class B license; and
 268 f. Wine shipper's license, \$50.
 269 3. Beer licenses. For each:
 270 a. Brewery license, if not more than 10,000 barrels of beer manufactured during the year in which
 271 the license is granted, \$1,650, and if more than 10,000 barrels manufactured during such year, \$3,300;
 272 b. Bottler's license, \$1,100;
 273 c. Wholesale beer license, \$715 for any wholesaler who sells 300,000 cases of beer a year or less,
 274 and \$1,100 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
 275 year, and \$1,430 for any wholesaler who sells more than 600,000 cases of beer a year;
 276 d. Beer importer's license, \$285;
 277 e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common
 278 carrier of passengers by train or boat, \$110; for each such license to a common carrier of passengers by
 279 train or boat, \$110 per annum for each of the average number of boats, dining cars, buffet cars or club
 280 cars operated daily in the Commonwealth;
 281 f. Retail off-premises beer license, \$90;
 282 g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a
 283 town or in a rural area outside the corporate limits of any city or town, \$230; and
 284 h. Beer shipper's license, \$50.
 285 4. Wine and beer licenses. For each:
 286 a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a
 287 common carrier of passengers by train, boat or airplane, \$230; for each such license to a common
 288 carrier of passengers by train or boat, \$230 per annum for each of the average number of boats, dining
 289 cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to
 290 a common carrier of passengers by airplane, \$575;
 291 b. Retail on-premises wine and beer license to a hospital, \$110;
 292 c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience
 293 grocery store license, \$175;
 294 d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$460;
 295 e. Banquet license, \$30 per license granted by the Board;
 296 f. Gourmet brewing shop license, \$175; and
 297 g. Wine and beer shipper's license, \$50; and
 298 h. *Annual banquet license, \$150.*
 299 5. Mixed beverage licenses. For each:
 300 a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants
 301 located on premises of and operated by hotels or motels, or other persons:
 302 (i) With a seating capacity at tables for up to 100 persons, \$430;
 303 (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$750; and
 304 (iii) With a seating capacity at tables for more than 150 persons, \$1,100.

305 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
306 private, nonprofit clubs:

307 (i) With an average yearly membership of not more than 200 resident members, \$575;

308 (ii) With an average yearly membership of more than 200 but not more than 500 resident members,
309 \$1,430; and

310 (iii) With an average yearly membership of more than 500 resident members, \$2,125.

311 c. Mixed beverage caterer's license, \$1,430.

312 d. Mixed beverage special events license, \$35 for each day of each event.

313 e. Mixed beverage club events licenses, \$25 for each day of each event.

314 f. Annual mixed beverage special events license, \$430.

315 g. Mixed beverage carrier license:

316 (i) \$145 for each of the average number of dining cars, buffet cars or club cars operated daily in the
317 Commonwealth by a common carrier of passengers by train;

318 (ii) \$430 for each common carrier of passengers by boat;

319 (iii) \$1,135 for each license granted to a common carrier of passengers by airplane;

320 h. Annual mixed beverage amphitheater license, \$430; ~~and~~

321 i. Annual mixed beverage motor sports race track license, \$430; *and*

322 *j. Annual mixed beverage banquet license, \$500.*

323 6. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax
324 imposed by this section on the license for which the applicant applied.

325 B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be
326 subject to proration to the following extent: If the license is granted in the second quarter of any year,
327 the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be
328 decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by
329 three-fourths.

330 If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000
331 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license
332 to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the
333 number of gallons permitted to be manufactured shall be prorated in the same manner.

334 Should the holder of a distiller's license or a winery license to manufacture not more than 5,000
335 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or
336 winery license, such person shall pay for such unlimited license a license tax equal to the amount that
337 would have been charged had such license been applied for at the time that the license to manufacture
338 less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person
339 shall be entitled to a refund of the amount of license tax previously paid on the limited license.

340 Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than
341 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest
342 cent, multiplied by the number of months in the license period.

343 C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state
344 restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter,
345 shall be liable to state merchants' license taxation and state restaurant license taxation and other state
346 taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer
347 wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license
348 tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining
349 the liability of a wholesale wine distributor to merchants' license taxation, and in computing the
350 wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases
351 shall be disregarded.

352 § 4.1-233. Taxes on local licenses.

353 A. In addition to the state license taxes, the annual local license taxes which may be collected shall
354 not exceed the following sums:

355 1. Alcoholic beverages. - For each:

356 a. Distiller's license, \$1,000; no local license shall be required for any person who manufactures not
357 more than 5,000 gallons of alcohol or spirits, or both, during such license year;

358 b. Fruit distiller's license, \$1,500;

359 c. Bed and breakfast establishment license, \$40;

360 d. Museum license, \$10;

361 e. Tasting license, \$5 per license granted; and

362 f. Equine sporting event license, \$10.

363 2. Beer. - For each:

364 a. Brewery license, \$1,000;

365 b. Bottler's license, \$500;

366 c. Wholesale beer license, in a city, \$250, and in a county or town, \$75; and

d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25.

3. Wine. - For each:

a. Winery license, \$1,000; and

b. Wholesale wine license, \$50.

4. Wine and beer. - For each:

a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;

b. Hospital license, \$10;

c. Banquet license, \$5 for each license granted; and

d. Gourmet brewing shop license, \$150; and

e. *Annual banquet license, \$15.*

5. Mixed beverages. - For each:

a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$200;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and

(iii) With a seating capacity at tables for more than 150 persons, \$500.

b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;

c. Mixed beverage caterer's license, \$500;

d. Mixed beverage special events licenses, \$10 for each day of each event;

e. Mixed beverage club events licenses, \$10 for each day of each event;

f. Annual mixed beverage amphitheater license, \$300; and

g. Annual mixed beverage motor sports race track license, \$300; and

h. *Annual mixed beverage banquet license, \$75.*

B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.