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## HOUSE BILL NO. 1784

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on January 23, 2007)

(Patron Prior to Substitute—Delegate Cosgrove)

A *BILL to amend and reenact §§ 4.1-204, 4.1-215, 4.1-230, 4.1-231, and 4.1-310 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 4.1-209.1 and 4.1-212.1, and to repeal § 4.1-112.1 of the Code of Virginia, relating to alcoholic beverage control; delivery of wine and beer; permits.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 4.1-204, 4.1-215, 4.1-230, 4.1-231, and 4.1-310 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 4.1-209.1 and 4.1-212.1 as follows:**

§ 4.1-204. Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. - Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or § 4.1-236, if any.

B. Retailers. - Every retail licensee shall keep complete, accurate and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses which require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

C. Common carriers. - Common carriers of passengers by train, boat, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine shippers and beer shippers. - Every wine shipper licensee and every beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. *Delivery permittees.* - Every holder of a delivery permit issued pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such permittees shall also remit on a monthly basis an accurate account that sets forth the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is delivered. If no wine or beer was sold and delivered in any month, the permittee shall not be required to submit a report to the Board for that month; however, every permittee must submit a report to the Board no less frequently than once every 12 months even if no sales or deliveries have been made in the preceding 12 months.

F. Inspection. - The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of *both (i) every wine shipper licensee and beer shipper licensee and (ii) every delivery permittee* wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine shipper licensee, a beer shipper licensee, or delivery permittee, or any applicant for such license or permit.

§ 4.1-209.1. *Direct Shipment of wine and beer; shipper's license.*

A. *Holders of wine shippers' licenses and beer shippers' licenses issued pursuant to this section may sell and ship not more than two cases of wine per month nor more than two cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of*

60 packages containing not more than 288 ounces of beer. Any winery or farm winery located within or  
61 outside the Commonwealth may apply to the Board for issuance of a wine shipper's license that shall  
62 authorize the shipment of brands of wine and farm wine identified in such application. Any brewery  
63 located within or outside the Commonwealth may apply to the Board for issuance of a beer shipper's  
64 license that shall authorize the shipment of brands of beer identified in such application. Any person  
65 located within or outside the Commonwealth who is authorized to sell wine or beer at retail in their  
66 state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine  
67 or beer shipper's license, or both, if such person satisfies the requirements of this section. Any brewery,  
68 winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a  
69 retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's  
70 brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such  
71 brands that an application has been filed for a shipper's license. The notice shall be in writing and in a  
72 form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary  
73 to implement the provisions of this section, including regulations that permit the holder of a shipper's  
74 license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or  
75 beer identified in such shipper's license.

76 B. Any applicant for a wine or beer shipper's license that does not own or have the right to control  
77 the distribution of the brands of wine, farm wine, or beer identified in such person's application may be  
78 issued a shipper's license for wine or beer or both, if the applicant has obtained and filed with its  
79 application for a shipper's license, and with any subsequent application for renewal thereof, the written  
80 consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are  
81 identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by  
82 the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor,  
83 that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its  
84 brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from  
85 withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery,  
86 or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to  
87 withdraw from such shipper licensee the authority to sell and ship any of its brands, whereupon such  
88 shipper licensee shall promptly file with the Board an amendment to its license eliminating any such  
89 withdrawn brand or brands from the shipper's license. -

90 C. The direct shipment of beer and wine by holders of licenses issued pursuant to this section shall  
91 be by approved common carrier only. The Board shall develop regulations pursuant to which common  
92 carriers may apply for approval to provide common carriage of wine or beer, or both, shipped by  
93 holders of licenses issued pursuant to this section. Such regulations shall include provisions that require  
94 (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to  
95 sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and  
96 (iii) the Board-approved common carrier to submit to the Board such information as the Board may  
97 prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient  
98 appears to be under the age of 21 years and refuses to present valid identification. All licensees  
99 shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger  
100 to the outside of each package of wine or beer shipped within or into the Commonwealth, in a  
101 conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON  
102 AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a  
103 minor by a common carrier shall constitute a violation by the common carrier. The common carrier and  
104 the shipper licensee shall be liable only for their independent acts.

105 D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each  
106 shipment of wine or beer by a wine shipper licensee or a beer shipper licensee shall constitute a sale in  
107 Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes  
108 monthly to the Department of Alcoholic Beverage Control and any sales taxes to the Department of  
109 Taxation.

110 § 4.1-212.1. Permits; delivery of wine and beer; regulations of Board.

111 A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is  
112 authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the  
113 Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and  
114 farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers  
115 within the Commonwealth for personal consumption.

116 B. Any person located within or outside the Commonwealth who is authorized to sell wine or beer at  
117 retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm  
118 winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine,  
119 and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within  
120 the Commonwealth for personal consumption.

121 C. All such deliveries shall be to consumers within the Commonwealth for personal consumption

only, and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by the owner or any agent, officer, director, shareholder or employee of the permittee. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold; except that the permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Department in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; and (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

D. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Department of Alcoholic Beverage Control and any sales taxes to the Department of Taxation.

§ 4.1-215. Limitation on manufacturers, bottlers and wholesalers; exemptions.

A. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler or wholesaler of alcoholic beverages; or (v) manufacturer, bottler or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer, bottler or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler or wholesaler and such retailer are under common control, by stock ownership or otherwise.

Notwithstanding any other provision of this title, a manufacturer of malt beverages or wine, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in § 4.1-209 upon application to the Board provided that such event is (i) at a place approved by the Board and (ii) conducted for the purposes of featuring and educating the consuming public about malt beverage or wine products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars or boats;
2. Brewery or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision 5 of § 4.1-207;
4. Manufacturers, bottlers or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers or wholesalers; or

5. Wineries, farm wineries, or breweries engaging in conduct authorized by § ~~4.1-112.1~~ 4.1-209.1 or § 4.1-212.1.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

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

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

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, *delivery permit*, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.) of this title, or beer or wine importer's licenses located outside the

Commonwealth, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board.

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

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine or beer shipper's, wine and beer shipper's, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine shipper's, beer shipper's, ~~and~~ wine and beer shipper's licenses, ~~and~~ *delivery permits*, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be \$65, plus \$20 for each criminal history records search required by the Board, except for banquet, tasting, mixed beverage special events, or mixed beverage club events licenses, in which case the application fee shall be \$15. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231 and shall not be refunded.

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

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. In the case of applications to solicit the sale of wine and beer or spirits, each application shall be accompanied by a fee of \$165 and \$390, respectively. The fee for each such permit shall be subject to proration to the following extent: If the permit is granted in the second quarter of any year, the fee shall be decreased by one-fourth; if granted in the third quarter of any year, the fee shall be decreased by one-half; and if granted in the fourth quarter of any year, the fee shall be decreased by three-fourths. Each such permit shall expire on June 30 next succeeding the date of issuance, unless sooner suspended or revoked by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

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

The fee for a keg registration permit shall be \$65 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond or internal revenue bond in warehouses located in the Commonwealth shall be \$260 annually.

§ 4.1-231. Taxes on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; and if more than 5,000 gallons manufactured during such year, \$3,725;

b. Fruit distiller's license, \$3,725;

c. Banquet facility license or museum license, \$190;

d. Bed and breakfast establishment license, \$35;

e. Tasting license, \$40 per license granted;

f. Equine sporting event license, \$130; ~~and~~

g. Motor car sporting event facility license, \$130;

h. *Day spa license*, \$100; *and*

i. *Delivery permit*, \$120 if the permittee holds no other license under this title.

2. Wine licenses. For each:

a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;

b. Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons

- 245 of wine per year;
- 246 c. Wine importer's license, \$370;
- 247 d. Retail off-premises winery license, \$145, *which shall include a delivery permit*;
- 248 e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, *each of*
- 249 *which shall include a delivery permit*; and
- 250 f. Wine shipper's license, \$65; and
- 251 ~~g. Day spa license, \$100.~~
- 252 3. Beer licenses. For each:
- 253 a. Brewery license, if not more than 10,000 barrels of beer manufactured during the year in which
- 254 the license is granted, \$2,150, and if more than 10,000 barrels manufactured during such year, \$4,300;
- 255 b. Bottler's license, \$1,430;
- 256 c. Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less,
- 257 and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
- 258 year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;
- 259 d. Beer importer's license, \$370;
- 260 e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common
- 261 carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by
- 262 train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club
- 263 cars operated daily in the Commonwealth;
- 264 f. Retail off-premises beer license, \$120, *which shall include a delivery permit*;
- 265 g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a
- 266 town or in a rural area outside the corporate limits of any city or town, \$300, *which shall include a*
- 267 *delivery permit*; and
- 268 h. Beer shipper's license, \$65.
- 269 4. Wine and beer licenses. For each:
- 270 a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a
- 271 common carrier of passengers by train, boat or airplane, \$300; for each such license to a common
- 272 carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining
- 273 cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to
- 274 a common carrier of passengers by airplane, \$750;
- 275 b. Retail on-premises wine and beer license to a hospital, \$145;
- 276 c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience
- 277 grocery store license, \$230, *which shall include a delivery permit*;
- 278 d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, *which shall*
- 279 *include a delivery permit*;
- 280 e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the
- 281 Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be
- 282 \$100 per license;
- 283 f. Gourmet brewing shop license, \$230;
- 284 g. Wine and beer shipper's license, \$65; and
- 285 h. Annual banquet license, \$150.
- 286 5. Mixed beverage licenses. For each:
- 287 a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants
- 288 located on premises of and operated by hotels or motels, or other persons:
- 289 (i) With a seating capacity at tables for up to 100 persons, \$560;
- 290 (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and
- 291 (iii) With a seating capacity at tables for more than 150 persons, \$1,430.
- 292 b. Mixed beverage restaurant license for restaurants located on the premises of and operated by
- 293 private, nonprofit clubs:
- 294 (i) With an average yearly membership of not more than 200 resident members, \$750;
- 295 (ii) With an average yearly membership of more than 200 but not more than 500 resident members,
- 296 \$1,860; and
- 297 (iii) With an average yearly membership of more than 500 resident members, \$2,765.
- 298 c. Mixed beverage caterer's license, \$1,860;
- 299 d. Mixed beverage special events license, \$45 for each day of each event;
- 300 e. Mixed beverage club events licenses, \$35 for each day of each event;
- 301 f. Annual mixed beverage special events license, \$560;
- 302 g. Mixed beverage carrier license:
- 303 (i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the
- 304 Commonwealth by a common carrier of passengers by train;
- 305 (ii) \$560 for each common carrier of passengers by boat;

(iii) \$1,475 for each license granted to a common carrier of passengers by airplane.

h. Annual mixed beverage amphitheater license, \$560;

i. Annual mixed beverage motor sports race track license, \$560; and

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

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

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

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

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

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

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

§ 4.1-310. Illegal importation, shipment and transportation of alcoholic beverages; penalty; exception.

A. No alcoholic beverages, other than wine or beer, shall be imported, shipped, transported or brought into the Commonwealth, other than to distillery licensees or winery licensees, unless consigned to the Board. However, the Board may permit such alcoholic beverages ordered by it from outside the Commonwealth for (i) persons, for industrial purposes, (ii) the manufacture of articles allowed to be manufactured under § 4.1-200, or (iii) hospitals, to be shipped or transported directly to such persons. On such orders or shipments of alcohol, the Board shall charge only a reasonable permit fee.

B. Except as otherwise provided in ~~§ 4.1-112.1~~ *4.1-209.1 or § 4.1-212.1*, no wine shall be imported, shipped, transported or brought into the Commonwealth unless it is consigned to a wholesale wine licensee.

C. Except as otherwise provided in ~~§ 4.1-112.1~~ *4.1-209.1 or § 4.1-212.1*, no beer shall be imported, shipped, transported or brought into the Commonwealth except to persons licensed to sell it.

D. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

E. The provisions of this chapter shall not prohibit (i) any person from bringing, in his personal possession, or through United States Customs in his accompanying baggage, into the Commonwealth not for resale, alcoholic beverages in an amount not to exceed one gallon or four liters if any part of the alcoholic beverages being transported is held in metric-sized containers, (ii) the shipment or transportation into the Commonwealth of a reasonable quantity of alcoholic beverages not for resale in the personal or household effects of a person relocating his place of residence to the Commonwealth, or (iii) the possession or storage of alcoholic beverages on passenger boats, dining cars, buffet cars and club cars, licensed under this title, or common carriers engaged in interstate or foreign commerce.

**2. That § 4.1-112.1 of the Code of Virginia is repealed.**

**3. That the Alcoholic Beverage Control Board shall promulgate regulations to implement the provisions of this act to be effective within 90 days of July 1, 2007.**