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**SENATE BILL NO. 129**

Senate Amendments in [ ] — January 23, 1996

A *BILL to amend and reenact §§ 4.1-100, 4.1-208, 4.1-209, 4.1-231, and 4.1-233 of the Code of Virginia, relating to alcoholic beverage control; gourmet brewing shop licenses.*

Patrons—Colgan; Delegate: Parrish

Referred to the Committee on Rehabilitation and Social Services

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

**1. That §§ 4.1-100, 4.1-208, 4.1-209, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted as follows:**

§ 4.1-100. Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition.

"Barrel" means any container or vessel having a capacity of more than forty-three ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than fifteen bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than forty-three ounces.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of bingo games or raffles conducted pursuant to Article 1.1 (§ 18.2-340.1 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such bingo games or raffles are being conducted while such games or raffles are being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment located on a farm in the Commonwealth with a producing

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60 vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the  
61 premises where the owner or lessee manufactures wine that contains not more than fourteen percent  
62 alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative  
63 formed by an association of individuals for the purpose of manufacturing wine. In the event such  
64 cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the  
65 land owned or leased by the individual members of the cooperative as long as such land is located in  
66 the Commonwealth.

67 "Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty  
68 items relating to history, original and handmade arts and products, collectibles, crafts, and floral  
69 arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure  
70 where stock is displayed and offered for sale and which has facilities to properly secure any stock of  
71 wine or beer. Such shop may be located (i) on the premises or grounds of a government registered  
72 national, state or local historic building or site or (ii) within the premises of a museum. The Board shall  
73 consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be  
74 considered a gift shop.

75 "Gourmet brewing shop" means an establishment which sells to persons to whom *wine or beer* may  
76 lawfully be sold, ingredients for *making wine or* brewing beer, including packaging, and rents to such  
77 persons facilities for manufacturing, fermenting and bottling such *wine or beer*.

78 "Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage  
79 facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and  
80 beers of various types and sizes and related products such as cheeses and gourmet foods are habitually  
81 furnished to persons.

82 "Government store" means a store established by the Board for the sale of alcoholic beverages.

83 "Hotel" means any duly licensed establishment, provided with special space and accommodation,  
84 where, in consideration of payment, food and lodging are habitually furnished to persons, and which has  
85 four or more bedrooms. It shall also mean the person who operates such hotel.

86 "Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order  
87 pursuant to this title.

88 "Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to  
89 observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

90 "Licensee" means any person to whom a license has been granted by the Board.

91 "Licensed" means the holding of a valid license issued by the Board.

92 "Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol  
93 by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits  
94 mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit  
95 juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by  
96 fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of  
97 this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved  
98 the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be  
99 sold for on-premises consumption other than by mixed beverage licensees.

100 "Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona  
101 fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments  
102 specializing in full course meals with a single substantial entree.

103 "Member of a club" means a person who maintains his membership in the club by the payment of  
104 monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof. It shall  
105 also mean a lifetime member whose financial contribution is not less than ten times the annual dues of  
106 resident members of the club, the full amount of such contribution being paid in advance in a lump  
107 sum.

108 "Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of  
109 spirits.

110 "Place or premises" means the real estate, together with any buildings or other improvements thereon,  
111 designated in the application for a license as the place at which the manufacture, bottling, distribution,  
112 use or sale of alcoholic beverages shall be performed, except that portion of any such building or other  
113 improvement actually and exclusively used as a private residence.

114 "Public place" means any place, building, or conveyance to which the public has, or is permitted to  
115 have, access, including restaurants, soda fountains, hotel dining areas, lobbies, and corridors of hotels,  
116 and any highway, street, lane, park, or place of public resort or amusement.

117 The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private  
118 meetings or private parties limited in attendance to members and guests of a particular group,  
119 association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or  
120 similar facilities while such restaurant is closed to the public and in use for private meetings or parties  
121 limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such

122 building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in  
123 use for private meetings or parties limited in attendance to employees and nonpaying guests of the  
124 owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats  
125 which are not licensed by the Board and on which alcoholic beverages are not sold.

126 "Residence" means any building or part of a building or structure where a person resides, but does  
127 not include any part of a building which is not actually and exclusively used as a private residence, nor  
128 any part of a hotel or club other than a private guest room thereof.

129 "Resort complex" means a facility with a hotel owning year-round sports and recreational facilities  
130 located contiguously on the same property. The hotel must have a minimum of 250 private guest rooms  
131 contained on not less than 100 acres. The Board may consider the purpose, characteristics, and operation  
132 of the applicant establishment in determining whether it shall be considered as a resort complex. All  
133 other pertinent qualifications established by the Board for a hotel operation shall be observed by such  
134 licensee.

135 "Restaurant" means, for a beer, or wine and beer license, any establishment provided with special  
136 space and accommodation, where, in consideration of payment, meals or other foods prepared on the  
137 premises are regularly sold.

138 "Restaurant" means, for a mixed beverage license, an established place of business (i) where meals  
139 with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees  
140 for cooking, preparing, and serving such meals for consumption at tables in dining areas on the  
141 premises, and includes establishments specializing in full course meals with a single substantial entree.

142 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale;  
143 peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic  
144 beverages.

145 "Special agent" means an employee of the Department of Alcoholic Beverage Control whom the  
146 Board has designated as a law-enforcement officer pursuant to § 4.1-105.

147 "Special event" means an event sponsored by a duly organized nonprofit corporation or association  
148 and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

149 "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable  
150 water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and  
151 gin, or any one or more of the last four named ingredients; but shall not include any such liquors  
152 completely denatured in accordance with formulas approved by the United States government.

153 "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of  
154 fruits or other agricultural products containing (i) sugar, including honey and milk, either with or  
155 without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product  
156 of distillation. The term includes any wine to which wine spirits have been added, as provided in the  
157 Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an  
158 alcohol content of twenty-one percent by volume.

159 "Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and  
160 not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of  
161 wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain  
162 water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar  
163 products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice  
164 beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

165 "With or without meals" means the selling and serving of alcoholic beverages by retail licensees for  
166 on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio  
167 required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by  
168 such retail licensee.

169 § 4.1-208. Beer licenses.

170 The Board may grant the following licenses relating to beer:

171 1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or  
172 ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons  
173 licensed to sell the beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale,  
174 only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the  
175 United States sailing for ports of call of a foreign country or another state and (iv) persons outside the  
176 Commonwealth for resale outside the Commonwealth.

177 2. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and  
178 shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with  
179 Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered  
180 under the laws of the United States sailing for ports of call of a foreign country or another state and (iii)  
181 persons outside the Commonwealth for resale outside the Commonwealth.

182 3. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and

183 shipments of beer and to sell and deliver or ship it, in accordance with Board regulations, in closed  
184 containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the  
185 purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of  
186 call of a foreign country or another state and (iii) persons outside the Commonwealth for resale outside  
187 the Commonwealth.

188 No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth  
189 who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's  
190 license and purchases beer for resale pursuant to the privileges of such beer importer's license.

191 4. Beer importers' licenses, which shall authorize persons licensed within or outside the  
192 Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board  
193 regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for  
194 the purpose of resale.

195 5. Retail on-premises beer licenses to:

196 a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without  
197 meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private  
198 guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms  
199 and areas.

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

203 c. Persons operating boats for which certificates as a sight-seeing carrier by boat, or a special or  
204 charter party by boat have been issued by the Department of Motor Vehicles pursuant to § 46.2-2607,  
205 which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by  
206 them for on-premises consumption when carrying passengers.

207 d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or  
208 town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments.  
209 No license shall be granted unless it appears affirmatively that a substantial public demand for such  
210 licensed establishment exists and that public convenience and the purposes of this title will be promoted  
211 by granting the license.

212 e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize  
213 the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of  
214 professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons  
215 within all seating areas, concourses, walkways, concession areas, and additional locations designated by  
216 the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon  
217 authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic  
218 beverages on the premises in all areas and locations covered by the license.

219 f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar  
220 facility which has seating for more than 20,000 persons and is located in any county with a population  
221 between 210,000 and 216,000 or in any city with a population between 392,000 and 394,000. Such  
222 license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or  
223 similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas,  
224 or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may  
225 keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and  
226 locations covered by the license.

227 6. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed  
228 containers for off-premises consumption and to deliver or ship the beer to purchasers in accordance with  
229 Board regulations.

230 7. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 5 a and d, which  
231 shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall  
232 authorize the licensee to sell beer in closed containers for off-premises consumption and to deliver or  
233 ship the beer to purchasers in accordance with Board regulations.

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

238 § 4.1-209. Wine and beer licenses.

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

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

241 a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with  
242 or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas,  
243 private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such  
244 rooms and areas. However, with regard to a hotel classified by the Board as a resort complex, the Board

245 may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex  
246 deemed appropriate by the Board;

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

250 c. Persons operating boats for which certificates as a sight-seeing carrier by boat, or a special or  
251 charter party by boat have been issued by the Department of Motor Vehicles pursuant to § 46.2-2607,  
252 which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats  
253 operated by them for on-premises consumption when carrying passengers;

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

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

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

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

276 2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer  
277 in closed containers for off-premises consumption and to deliver or ship the same to purchasers in  
278 accordance with Board regulations.

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

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

285 5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which  
286 shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition,  
287 shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and  
288 to deliver or ship the same to the purchasers, in accordance with Board regulations.

289 6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or  
290 associations in charge of special events, which shall authorize the licensee to sell or give wine and beer  
291 in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms  
292 or areas. A separate license shall be required for each day of each banquet or special event. However,  
293 no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

294 7. Gift shop licenses, which shall authorize the licensee to sell wine and beer unchilled, only within  
295 the interior premises of the gift shop in closed containers for off-premises consumption and to deliver or  
296 ship the wine and beer to purchasers in accordance with Board regulations.

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

301 § 4.1-231. Taxes on state licenses.

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

303 1. Alcoholic beverage licenses. - For each:

304 a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured  
305 during the year in which the license is granted, \$350; and if more than 5,000 gallons manufactured

- 306 during such year, \$2,860;
- 307 b. Fruit distiller's license, \$2,860;
- 308 c. Banquet facility license, \$145; and
- 309 d. Bed and breakfast establishment license, \$25.
- 310 2. Wine licenses. - For each:
- 311 a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the
- 312 license is granted, \$350, and if more than 5,000 gallons manufactured during such year, \$2,860;
- 313 b. Wholesale wine license, \$715 for any wholesaler who sells 150,000 gallons of wine or less per
- 314 year, \$1,100 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine
- 315 per year, and \$1,430 for any wholesaler who sells more than 300,000 gallons of wine per year;
- 316 c. Wine importer's license, \$285;
- 317 d. Retail off-premises winery license, \$110; and
- 318 e. Farm winery license, \$145.
- 319 3. Beer licenses. - For each:
- 320 a. Brewery license, if not more than 10,000 barrels of beer manufactured during the year in which
- 321 the license is granted, \$1,650, and if more than 10,000 barrels manufactured during such year, \$3,300;
- 322 b. Bottler's license, \$1,100;
- 323 c. Wholesale beer license, \$715 for any wholesaler who sells 300,000 cases of beer a year or less,
- 324 and \$1,100 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a
- 325 year, and \$1,430 for any wholesaler who sells more than 600,000 cases of beer a year;
- 326 d. Beer importer's license, \$285;
- 327 e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common
- 328 carrier of passengers by train or boat, \$110; for each such license to a common carrier of passengers by
- 329 train or boat, \$110 per annum for each of the average number of boats, dining cars, buffet cars or club
- 330 cars operated daily in the Commonwealth;
- 331 f. Retail off-premises beer license, \$90; *and*
- 332 g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a
- 333 town or in a rural area outside the corporate limits of any city or town, \$230; ~~and~~.
- 334 h. ~~Gourmet brewing shop, \$175.~~
- 335 4. Wine and beer licenses. - For each:
- 336 a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a
- 337 common carrier of passengers by train, boat or airplane, \$230; for each such license to a common
- 338 carrier of passengers by train or boat, \$230 per annum for each of the average number of boats, dining
- 339 cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to
- 340 a common carrier of passengers by airplane, \$575;
- 341 b. Retail on-premises wine and beer license to a hospital, \$110;
- 342 c. Retail off-premises wine and beer license, including each gift shop, gourmet shop ~~and~~,
- 343 convenience grocery store, [ ~~and gourmet brewing shop~~ ] license, \$175;
- 344 d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$460; [ ~~and~~ ]
- 345 e. Banquet license, \$30 per license granted by the Board [ - ; *and*
- 346 *f. Gourmet brewing shop license, \$175.* ]
- 347 5. Mixed beverage licenses. - For each:
- 348 a. Mixed beverage restaurant licenses granted to persons operating restaurants, including restaurants
- 349 located on premises of and operated by hotels or motels, or other persons:
- 350 (i) With a seating capacity at tables for up to 100 persons, \$430;
- 351 (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$750; and
- 352 (iii) With a seating capacity at tables for more than 150 persons, \$1,100.
- 353 b. Mixed beverage restaurant licenses for restaurants located on the premises of and operated by
- 354 private, nonprofit clubs:
- 355 (i) With an average yearly membership of not more than 200 resident members, \$575;
- 356 (ii) With an average yearly membership of more than 200 but not more than 500 resident members,
- 357 \$1,430; and
- 358 (iii) With an average yearly membership of more than 500 resident members, \$2,125.
- 359 c. Mixed beverage caterer's licenses, \$1,430.
- 360 d. Mixed beverage special events licenses, \$35 for each day of each event.
- 361 e. Annual mixed beverage special events licenses, \$430.
- 362 f. Mixed beverage carrier licenses:
- 363 (i) \$145 for each of the average number of dining cars, buffet cars or club cars operated daily in the
- 364 Commonwealth by a common carrier of passengers by train;
- 365 (ii) \$430 for each common carrier of passengers by boat; and
- 366 (iii) \$1,135 for each license granted to a common carrier of passengers by airplane.
- 367 6. Temporary licenses. - For each temporary license authorized by § 4.1-211, one-half of the tax

368 imposed by this section on the license for which the applicant applied.

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

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

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

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

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

396 § 4.1-233. Taxes on local licenses.

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

399 1. Alcoholic beverages. - For each:

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

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

403 c. Bed and breakfast establishment license, \$40.

404 2. Beer. - For each:

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

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

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

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

410 e. ~~Gourmet brewing shop~~, \$150.

411 3. Wine. - For each:

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

413 b. Wholesale wine license, \$50.

414 4. Wine and beer. - For each:

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

418 b. Hospital license, \$10; [ ~~and~~ ]

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

420 d. ~~Gourmet brewing shop license~~, \$150. ]

421 5. Mixed beverages. - For each:

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

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

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

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

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

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

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

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

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

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

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

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