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SENATE BILL NO. 499

Offered January 26, 1998

A BILL to amend and reenact § 4.1-230 of the Code of Virginia, relating to alcoholic beverage control; application for licenses; local objection to license applications.

Patrons—Marsh, Lucas, Maxwell, Miller, Y.B., Reynolds and Ticer; Delegates: Baskerville and Jones, D.C.

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-230 of the Code of Virginia is amended and reenacted as follows:

§ 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, or mixed beverage special 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 banquet, tasting, or special events licenses issued under the provisions of Chapter 2 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 thirty days and not less than ten 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 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 banquet, tasting, or mixed beverage special events licenses, the Board shall conduct a background investigation, to include a criminal history records search, on each applicant for a license.

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 thirty days of the filing of the application. *Upon submission by a local governing body of an objection to the granting of a license to any applicant when the building, place or room where he proposes to engage in such business is within 1,000 feet of a public, private, or parochial school, there shall be a presumption that the operation of such business under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of such school.*

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee shall be \$50, except for banquet, tasting, or mixed beverage special events licenses, in which case the application fee shall be \$15. Application fees shall be in addition to the state license tax 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 \$125 and \$300, 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 \$50 annually.

The fee for a permit for the storage of lawfully acquired alcoholic beverages not under customs bond

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60 or internal revenue bond in warehouses located in the Commonwealth shall be \$200 annually.