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HOUSE BILL 421

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO TAXATION; INCREASING THE LIQUOR EXCISE TAX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-17-5 NMSA 1978 (being Laws 1993, Chapter 65, Section 8, as amended) is amended to read:

"7-17-5. IMPOSITION AND RATE OF LIQUOR EXCISE TAX.--

A. There is imposed on a wholesaler who sells alcoholic beverages on which the tax imposed by this section has not been paid an excise tax, to be referred to as the "liquor excise tax", at the following rates on alcoholic beverages sold:

(1) on spirituous liquors, [~~one dollar sixty cents (\$1.60)~~] four dollars ninety-eight cents (\$4.98) per liter;

(2) on beer, except as provided in Paragraph

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1 (5) of this subsection, [~~forty-one cents (\$.41)~~] one dollar
2 eighty-five cents (\$1.85) per gallon;

3 (3) on wine, except as provided in Paragraphs
4 (4) and (6) of this subsection, [~~forty-five cents (\$.45)~~] one
5 dollar forty-six cents (\$1.46) per liter;

6 (4) on fortified wine, [~~one dollar fifty cents~~
7 ~~(\$.50)~~] two dollars seventy-seven cents (\$2.77) per liter;

8 (5) on beer manufactured or produced by a
9 microbrewer and sold in this state, provided that proof is
10 furnished to the department that the beer was manufactured or
11 produced by a microbrewer, eight cents (\$.08) per gallon;

12 (6) on wine manufactured or produced by a
13 small winegrower and sold in this state, provided that proof is
14 furnished to the department that the wine was manufactured or
15 produced by a small winegrower, ten cents (\$.10) per liter on
16 the first eighty thousand liters sold and twenty cents (\$.20)
17 per liter on all liters sold over eighty thousand liters but
18 less than nine hundred fifty thousand liters; and

19 (7) on cider, forty-one cents (\$.41) per
20 gallon.

21 B. The volume of wine transferred from one
22 winegrower to another winegrower for processing, bottling or
23 storage and subsequent return to the transferor shall be
24 excluded pursuant to Section 7-17-6 NMSA 1978 from the taxable
25 volume of wine of the transferee. Wine transferred from an

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1 initial winegrower to a second winegrower remains a tax
2 liability of the transferor, provided that if the wine is
3 transferred to the transferee for the transferee's use or for
4 resale, the transferee then assumes the liability for the tax
5 due pursuant to this section.

6 C. A transfer of wine from a winegrower to a
7 wholesaler for distribution of the wine transfers the liability
8 for payment of the liquor excise tax to the wholesaler upon the
9 sale of the wine by the wholesaler."

10 SECTION 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2011.