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HOUSE BILL 421

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO ALCOHOL; AMENDING AND ENACTING SECTIONS OF THE
LIQUOR CONTROL ACT TO PROVIDE FOR WINE BAR LICENSURE.

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

SECTION 1. A new section of the Liquor Control Act is
enacted to read:

"~~[NEW MATERIAL]~~ WINE BAR LICENSE.--In a local option
district that has voted to approve the sale of alcoholic
beverages, the director may issue a wine bar license upon
application by a person qualified under the provisions of the
Liquor Control Act subject to the following requirements and
restrictions:

A. a wine bar licensee shall be allowed to sell
wine for on-premises consumption and up to two closed bottles
of wine per customer for off-premises consumption;

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1 B. a wine bar license shall not be transferred from
2 person to person or from one location to another;

3 C. a wine bar license shall expire annually and be
4 subject to renewal upon application to the director by the
5 licensee pursuant to Section 60-6B-5 NMSA 1978;

6 D. all sales, service and on-premises consumption
7 of wine authorized by a wine bar license shall occur between
8 the hours of 12:00 noon and midnight;

9 E. if Sunday sales have been approved in the local
10 option district, a wine bar licensee may serve wine on Sundays
11 only between the hours of 12:00 noon and midnight and as
12 otherwise set forth in Section 60-7A-1 NMSA 1978; and

13 F. the provisions of Section 60-6A-18 NMSA 1978
14 shall not apply to wine bar licenses."

15 **SECTION 2.** Section 60-6A-12 NMSA 1978 (being Laws 1981,
16 Chapter 39, Section 29, as amended) is amended to read:

17 "60-6A-12. SPECIAL DISPENSER'S PERMITS--STATE AND LOCAL
18 FEES.--

19 A. [~~Any~~] A person holding a dispenser's or a wine
20 bar license in [~~any~~] a local option district where a public
21 celebration is to be held may dispense alcoholic beverages at
22 the public celebration upon receiving written approval from the
23 governing body in charge of the public celebration and upon the
24 payment of fifty dollars (\$50.00) to the department for a
25 special dispenser's permit.

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1 B. As used in this section, "public celebration"
2 includes any state fair, county fair, community fiesta,
3 cultural or artistic performance or professional athletic
4 competition of a seasonal nature or activities held on an
5 intermittent basis.

6 C. In addition to the state fee and if previously
7 provided for by ordinance, the governing body of the local
8 option district in which the public celebration is held may
9 charge an additional fee not to exceed twenty-five dollars
10 (\$25.00) per day for each day the permittee dispenses alcoholic
11 beverages. The permittee shall be subject to all state laws
12 and regulations and all local regulations regulating
13 dispenser's or wine bar's privileges and disabilities. All
14 fees collected by the governing body of the local option
15 district may be used to fund free ride home programs.

16 D. ~~[Any]~~ A person holding a dispenser's or a wine
17 bar license may be issued a special dispenser's permit by the
18 director allowing the dispensing of alcoholic beverages at a
19 function catered by that business, provided the governing body
20 of the local option district has given the person seeking the
21 permit written approval to dispense alcoholic beverages at the
22 catered function. [The] A person holding a wine bar license
23 may be issued a special wine dispenser's permit by the director
24 allowing the dispensing of wine at events held off of the
25 licensed premises; provided that the governing body of the

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1 local option district has given the person seeking the permit
2 written approval to dispense alcoholic beverages at the event.

3 A special dispenser's permit and a special wine dispenser's
4 permit shall be valid for no more than twelve hours. To apply
5 for the permit, the holder of a dispenser's or a wine bar
6 license shall submit a fee of twenty-five dollars (\$25.00)
7 together with such information as the director may require.

8 [~~The permittee shall be subject to all state laws and~~
9 ~~regulations and all local regulations except that the permittee~~
10 ~~shall not be required to suspend the dispensing of alcoholic~~
11 ~~beverages at the licensed premises solely because of the~~
12 ~~issuance of the special dispenser's permit.] Permittees under
13 this section shall be subject to all local state laws and
14 regulations and all local regulations, except that permittees
15 shall not be required to suspend the dispensing of alcoholic
16 beverages or wine at the licensed premises solely because of
17 issuance of either a special dispenser's permit or special wine
18 dispenser's permit.~~

19 E. The person holding a dispenser's license and
20 [~~his~~] the person's employees shall be the only persons
21 permitted to dispense alcohol during the function for which the
22 permit was sought. Issuance of the special dispenser's permit
23 is within the director's discretion and is subject to any
24 reasonable requirements imposed by the director.

25 F. [~~Any~~] A person holding a dispenser's license in

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1 a local option district in which Sunday sales of alcoholic
2 beverages are not otherwise permitted pursuant to the Liquor
3 Control Act may dispense beer and wine on Sunday at ~~[any]~~ a
4 public celebration for which it has received a concession from
5 the governing body in charge of the public celebration,
6 provided the governing body of that local option district has
7 by resolution expressly permitted ~~[such]~~ beer and wine sales on
8 Sunday at that public celebration in accordance with the
9 provisions of this section.

10 G. ~~[Any]~~ A person holding a dispenser's license who
11 dispenses alcoholic beverages at a church's public celebration
12 under a special dispenser's permit pursuant to this section may
13 donate to the church holding the public celebration any portion
14 of the profits from the sale of alcoholic beverages at that
15 public celebration. Employees of that dispenser or other
16 individuals who have completed a certified alcohol server
17 training program may donate to the church holding a public
18 celebration their services as servers of alcoholic beverages at
19 that public celebration."

20 SECTION 3. Section 60-6A-15 NMSA 1978 (being Laws 1981,
21 Chapter 39, Section 32, as amended) is amended to read:

22 "60-6A-15. LICENSE FEES.--Every application for the
23 issuance or renewal of the following licenses shall be
24 accompanied by a license fee in the following specified
25 amounts:

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1 A. manufacturer's license as a distiller, except a
2 brandy manufacturer, three thousand dollars (\$3,000);

3 B. manufacturer's license as a brewer, three
4 thousand dollars (\$3,000);

5 C. manufacturer's license as a rectifier, one
6 thousand fifty dollars (\$1,050);

7 D. wholesaler's license to sell all alcoholic
8 beverages for resale only, two thousand five hundred dollars
9 (\$2,500);

10 E. wholesaler's license to sell spirituous liquors
11 and wine for resale only, one thousand seven hundred fifty
12 dollars (\$1,750);

13 F. wholesaler's license to sell spirituous liquors
14 for resale only, one thousand five hundred dollars (\$1,500);

15 G. wholesaler's license to sell beer and wine for
16 resale only, one thousand five hundred dollars (\$1,500);

17 H. wholesaler's license to sell beer for resale
18 only, one thousand dollars (\$1,000);

19 I. wholesaler's license to sell wine for resale
20 only, seven hundred fifty dollars (\$750);

21 J. retailer's license, one thousand three hundred
22 dollars (\$1,300);

23 K. dispenser's license, one thousand three hundred
24 dollars (\$1,300);

25 L. canopy license, one thousand three hundred

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1 dollars (\$1,300);

2 M. restaurant license, one thousand fifty dollars
3 (\$1,050);

4 N. club license, for clubs with more than two
5 hundred fifty members, one thousand two hundred fifty dollars
6 (\$1,250), and for clubs with two hundred fifty members or
7 fewer, two hundred fifty dollars (\$250);

8 O. wine bottler's license to sell to wholesalers
9 only, five hundred dollars (\$500);

10 P. public service license, one thousand two hundred
11 fifty dollars (\$1,250);

12 Q. nonresident licenses, for a total billing to New
13 Mexico wholesalers:

14 (1) in excess of:

15 \$3,000,000 annually \$10,500;

16 1,000,000 annually 5,250;

17 500,000 annually 3,750;

18 200,000 annually 2,700;

19 100,000 annually 1,800;

20 and

21 50,000 annually 900;

22 and

23 (2) of \$50,000 or less annually \$300;

24 R. wine wholesaler's license, for persons with
25 sales of five thousand gallons of wine per year or less,

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1 twenty-five dollars (\$25.00), and for persons with sales in
2 excess of five thousand gallons of wine per year, one hundred
3 dollars (\$100); [~~and~~]

4 S. beer bottler's license, two hundred dollars
5 (\$200); and

6 T. wine bar license, one thousand fifty dollars
7 (\$1,050)."

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