

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 33

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO WINE DIRECT SHIPPER PERMITS; AMENDING SECTION 23-1331, IDAHO
2 CODE, TO PROVIDE FOR THE SUSPENSION OF A WINE DIRECT SHIPPER'S PERMIT
3 UNDER CERTAIN CONDITIONS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 23-1331, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND
9 PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse
10 to renew a retail wine license, wine by the drink license, wine distributor's
11 license, wine importer's license, winery license, wine direct shipper's
12 permit or vintner's license issued pursuant to the terms of this chapter for
13 any violation of or failure to comply with the provisions of this chapter or
14 rules and regulations promulgated by the director or the state tax commis-
15 sion pursuant to the terms and conditions of this chapter. Manufacturing
16 or bottling functions of a winery shall not be subject to suspension, re-
17 vocation or nonrenewal of a license, except for violations of law directly
18 related to the manufacturing or bottling activities of the winery. Proce-
19 dures for the suspension, revocation or refusal to grant or renew licenses
20 issued under this chapter shall be in accordance with the provisions of chap-
21 ter 52, title 67, Idaho Code.

22 (2) When the director determines to suspend such license, the affected
23 licensee may petition the director prior to the effective date of the sus-
24 pension requesting that a monetary payment be allowed in lieu of the license
25 suspension. If the director determines such payment to be consistent with
26 the purpose of the laws of the state of Idaho and is in the public interest, he
27 shall establish a monetary payment in an amount not to exceed five thousand
28 dollars (\$5,000). The licensee may reject the payment amount determined by
29 the director, and instead be subject to the suspension provisions of subsec-
30 tion (1) of this section. Upon payment of the amount established, the direc-
31 tor shall cancel the suspension period. The director shall cause any payment
32 to be paid to the treasurer of the state of Idaho for credit to the state's
33 general account in the state operating fund.

34 (3) The suspension of a license for the sale of liquor or beer shall au-
35 tomatically result in the suspension of any license for the sale of wine held
36 by the same licensee and issued for the same premises or location. Such ad-
37 ditional suspension shall be equal in length to and run concurrently with the
38 period of the original suspension.

39 (4) When a proceeding to revoke or suspend a license has been or is about
40 to be instituted, during the time a renewal application of such license is
41 pending before the director, the director shall renew the license notwith-
42 standing the pending proceedings, but such renewed license may be revoked or

1 suspended without hearing if and when the previous license is, for any rea-
2 son, revoked or suspended.