

AN ACT

RELATING TO ALCOHOLIC BEVERAGE LICENSES; REPEALING AND REENACTING CERTAIN SECTIONS OF THE LIQUOR CONTROL ACT; PROVIDING FOR PRORATION OF FEES AND STAGGERED LICENSE RENEWAL DATES.

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

SECTION 1. Section 60-6A-16 NMSA 1978 (being Laws 1981, Chapter 39, Section 33, as amended) is repealed and a new Section 60-6A-16 NMSA 1978 is enacted to read:

"60-6A-16. PRORATION OF FEES.--

A. License fees for new licenses issued after the beginning of the license year shall be prorated.

B. Dispenser, retailer, restaurant, club and public service license fees shall be prorated as follows:

(1) licenses issued in the first quarter of the license year for each license type shall be subject to the full amount of the annual license fee;

(2) licenses issued in the second quarter of the license year for each license type shall be subject to three-fourths of the annual license fee;

(3) licenses issued in the third quarter of the license year for each license type shall be subject to one-half of the annual license fee; and

(4) licenses issued in the fourth quarter of

the license year for each license type shall be subject to one-fourth of the annual license fee.

C. License fees for all new licenses not provided for in Subsection B of this section, except nonresident licenses and common carrier registrations, shall not be prorated but shall be subject to payment of the full amount of the annual license fee.

D. Nonresident licenses and common carrier registrations shall be issued for a three-year period. The three-year license for nonresident licenses and for common carrier registrations begins July 1, 2013 and every third year subsequently. Nonresident licenses and common carrier registrations issued at any time during the:

(1) first license year shall be subject to payment of the full amount of the three-year license fee;

(2) second license year shall be subject to payment of two-thirds of the three-year license fee; and

(3) third license year shall be subject to payment of one-third of the three-year license fee."

SECTION 2. Section 60-6B-5 NMSA 1978 (being Laws 1981, Chapter 39, Section 41, as amended) is repealed and a new Section 60-6B-5 NMSA 1978 is enacted to read:

"60-6B-5. EXPIRATION AND RENEWAL OF LICENSES.--

A. All licenses provided for in the Liquor Control Act, except for nonresident licenses and common

carrier registrations, shall be issued for a one-year period except for new licenses issued after the beginning of the license year. Nonresident licenses and common carrier registrations shall be issued for a three-year period.

B. The license year for dispenser, retailer and canopy licenses shall end on June 30 of each year. All dispenser, retailer and canopy licenses shall expire on June 30 unless renewed. The annual renewal application and renewal fee are due on April 1 of each year.

C. The license year for restaurant, club, wholesaler and manufacturer licenses shall end on October 31 of each year. All restaurant, club, wholesaler and manufacturer licenses shall expire on October 31 unless renewed. The annual renewal application and renewal fee are due on August 1 of each year.

D. All licenses not provided for in Subsections B and C of this section, except nonresident licenses and common carrier registrations, shall expire on February 28 of each year. The annual renewal application and renewal fee are due on December 1 of each year.

E. Nonresident licenses and common carrier registrations shall expire on June 30 every three years. The renewal application and renewal fee are due on April 1 of each third year.

F. A license shall not be issued or renewed if the

applicant or licensee is delinquent in payment of any taxes administered by the taxation and revenue department.

G. The director shall also determine whether there exists any other reason why a license should not be renewed.

H. If the director determines that the license should not be renewed, the director shall enter an order requiring the licensee, after notice, to show cause why the license should be renewed, and the director shall conduct a hearing on the matter. If, after the hearing, the director finds that no reason exists why the license should not be renewed, the director shall renew the license."

SECTION 3. TEMPORARY PROVISION.--

A. License renewal fees due on August 1, 2015 shall include an additional one-third of the annual license fee for the period from July 1, 2015 through October 31, 2015. All restaurant, club, wholesaler and manufacturer licensees shall be issued temporary licenses prior to June 30, 2015 that shall expire on October 31, 2015 unless renewed. New restaurant or club licenses issued between April 1, 2015 and June 30, 2015 shall require payment of an initial license fee of one-fourth of the annual renewal fee.

B. License renewal fees due on December 1, 2015 shall include an additional two-thirds of the annual license fee for the period of time from July 1, 2015 through February 28, 2016. All licensees that are required to file a renewal

application and pay the renewal fee on December 1, 2015 shall be issued temporary licenses prior to June 30, 2015 that expire on February 28, 2016 unless renewed. Public service licenses issued between April 1, 2015 and June 30, 2015 shall require payment of an initial license fee of one-fourth of the annual renewal fee.
