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HOUSE BILL 478

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jim R. Trujillo

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Chapter 39, Section 33, as amended) is repealed and a new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. [NEW MATERIAL] 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

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1 the license year for each license type shall be subject to the
2 full amount of the annual license fee;

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

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

9 (4) licenses issued in the fourth quarter of
10 the license year for each license type shall be subject to one-
11 fourth of the annual license fee.

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

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

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

25 (2) second license year shall be subject to

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1 payment of two-thirds of the three-year license fee; and

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

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5 Chapter 39, Section 41, as amended) is repealed and a new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

7 "60-6B-5. [NEW MATERIAL] EXPIRATION AND RENEWAL OF
8 LICENSES.--

9 A. All licenses provided for in the Liquor Control
10 Act, except for nonresident licenses and common carrier
11 registrations, shall be issued for a one-year period except for
12 new licenses issued after the beginning of the license year.
13 Nonresident licenses and common carrier registrations shall be
14 issued for a three-year period.

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

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

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

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

10 F. A license shall not be issued or renewed if the
11 applicant or licensee is delinquent in payment of any taxes
12 administered by the taxation and revenue department.

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

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

22 **SECTION 3. TEMPORARY PROVISION.--**

23 A. License renewal fees due on August 1, 2015 shall
24 include an additional one-third of the annual license fee for
25 the period from July 1, 2015 through October 31, 2015. All

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1 restaurant, club, wholesaler and manufacturer licensees shall
2 be issued temporary licenses prior to June 30, 2015 that shall
3 expire on October 31, 2015 unless renewed. New restaurant or
4 club licenses issued between April 1, 2015 and June 30, 2015
5 shall require payment of an initial license fee of one-fourth
6 of the annual renewal fee.

7 B. License renewal fees due on December 1, 2015
8 shall include an additional two-thirds of the annual license
9 fee for the period of time from July 1, 2015 through February
10 28, 2016. All licensees that are required to file a renewal
11 application and pay the renewal fee on December 1, 2015 shall
12 be issued temporary licenses prior to June 30, 2015 that expire
13 on February 28, 2016 unless renewed. Public service licenses
14 issued between April 1, 2015 and June 30, 2015 shall require
15 payment of an initial license fee of one-fourth of the annual
16 renewal fee.