



# House of Representatives

General Assembly

**File No. 181**

February Session, 2004

Substitute House Bill No. 5354

*House of Representatives, March 23, 2004*

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING CHANGES IN OWNERSHIP OF RETAIL LIQUOR PERMIT PREMISES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 30-48 of the general statutes, as  
2 amended by section 1 of public act 03-34, is repealed and the following  
3 is substituted in lieu thereof (*Effective October 1, 2004*):

4 (c) If there is a proposed change or change in ownership of a retail  
5 permit premises, no application for a permit shall be approved until  
6 the applicant files with the department an affidavit executed by the  
7 [applicant] seller of the retail permit premises stating that all  
8 obligations of the predecessor permittee for the purchase of alcoholic  
9 liquor at such permit premises have been paid or that such applicant  
10 did not receive direct or indirect consideration from the predecessor  
11 permittee. If a wholesaler permittee alleges the applicant received  
12 direct or indirect consideration from the predecessor permittee or that  
13 there remains outstanding liquor obligations, such wholesaler

14 permittee may file with the department an affidavit, along with  
15 supporting documentation to establish receipt of such consideration or  
16 outstanding liquor obligations. The commissioner, in the  
17 commissioner's sole discretion, shall determine whether a hearing is  
18 warranted on such allegations. For the purposes of this subsection,  
19 "consideration" means the receipt of legal tender or goods or services  
20 for the purchase of alcoholic liquor remaining on the premises of the  
21 predecessor permittee, for which bills remain unpaid.

|  |                        |
|--|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2004</i> |

**GL**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

| Agency Affected            | Fund-Effect | FY 05 \$ | FY 06 \$ |
|----------------------------|-------------|----------|----------|
| Consumer Protection, Dept. | GF - None   | None     | None     |

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the person selling a retail liquor premise, rather than the purchaser, to file an affidavit with the application to the department for the retail liquor permit. The bill has no fiscal impact on the Department of Consumer Protection.

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**OLR Bill Analysis**

sHB 5354

***AN ACT CONCERNING CHANGES IN OWNERSHIP OF RETAIL LIQUOR PERMIT PREMISES***

**SUMMARY:**

This bill revises a requirement for certain retail liquor permit applications. Currently, a liquor permit applicant who is buying any retail liquor premises (for example, a package store or a restaurant) must file, with the application, a signed affidavit stating that (1) the seller's obligations for buying liquor at the premises have been paid or (2) the applicant has not received direct or indirect consideration from the seller for buying liquor remaining on the premises for which there are unpaid bills. The bill instead requires the seller to file the affidavit.

EFFECTIVE DATE: October 1, 2004

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 19      Nay 0