



House of Representatives

File No. 424

General Assembly

February Session, 2004 **(Reprint of File No. 181)**

Substitute House Bill No. 5354
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 1, 2004

**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2 amended by section 1 of public act 03-34, is repealed and the following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. The commissioner may waive the
19 requirement of such seller's affidavit upon finding that (1) the
20 predecessor permittee abandoned the premises prior to the filing of the
21 application, and (2) such permittee did not receive any consideration,
22 direct or indirect, for such permittee's abandonment. For the purposes
23 of this subsection, "consideration" means the receipt of legal tender or
24 goods or services for the purchase of alcoholic liquor remaining on the
25 premises of the predecessor permittee, for which bills remain unpaid.

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

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:

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 revises a requirement for certain retail liquor permit applications and has no fiscal impact on the Department of Consumer Protection.

House "A" added a provision allowing the commissioner to waive the affidavit requirement and has no fiscal impact.

OLR Bill Analysis

sHB 5354 (as amended by House "A")*

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. The bill authorizes the commissioner of the Department of Agriculture and Consumer Protection (DACP) to waive the affidavit requirement if (1) the previous permit holder abandoned the premises before the buyer applied for a liquor permit and (2) the seller did not receive any consideration, direct or indirect, for the abandoned property.

*House Amendment "A" allows DACP commissioner to waive the affidavit requirement.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0