

## **R82. Alcoholic Beverage Control, Administration.**

### **R82-13. Wholesaler.**

#### **R82-13-101. Application.**

(1)(a) The authority for this rule is implied in Title 32B, Chapter 13, Beer Wholesaling License Act and explicit in section 32B-2-202, which authorizes the Commission to make rules governing criteria and procedures for licensure.

(b) The purpose of this rule is to clarify the process by which a person applies for a beer wholesaler license.

(2) No license application will be included on the agenda of a monthly Commission meeting for consideration for issuance of a beer wholesaler license until:

(a) The applicant has first met all requirements of sections 32B-1-304 (qualifications to hold the license), and 32B-13-202, 32B-13-204 and 32B-13-206 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation as a beer wholesaler license, a bond, a statement of the brands of beer the applicant is authorized to sell and distribute, statement of the territories in which the applicant is authorized to sell and distribute beer under an agreement required by 32B-11-201 or 32B-11-503, and public liability insurance); and

(b) the Department has inspected the beer wholesaler premise.

(3)(a) All application requirements of subpart (2)(a) of this rule must be filed with the Department no later than the 10th day of the month in order for the application to be included on that month's Commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of subpart (2)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in subpart (3)(a) of this rule will not be considered by the Commission that month, but will be included on the agenda of the Commission meeting the following month.

#### **R82-13-102. Transfer of a Wholesale License, Conditions of Transfer, Change of Trade Name.**

(1)(a) The authority for this rule is implied in Title 32B, Chapter 13, Beer Wholesaling License Act and explicit in section 32B-2-202, which authorizes the Commission to make rules governing criteria and procedures for licensure.

(b) The purpose of this rule is to clarify the process by which a person applies for a beer wholesaler license.

(2)(a) The holder of one or more wholesaler licenses may assign and transfer the license to any qualified person in accordance with the provisions of these rules.

(b) Notwithstanding Subsection (2)(a), no assignment and transfer may result in both a change of license and change of location.

(3) The holder of the wholesaler license shall first execute a proposed assignment and transfer of the license. The assignee or transferee shall apply to the Commission for approval of the assignment and transfer, and shall furnish any information the Commission may require.

(4) The assignment and transfer shall not be of any force and effect until the Commission has approved it.

(5) The assignee or transferee shall not take possession of the premises, or exercise any of the rights of a license until the Commission has approved the assignment and transfer.

(6) No assignment and transfer shall be made within 30 days after the holder of a wholesaler license has been granted a change of location.

(7) No change of location shall be granted within 90 days after assignment and transfer of a wholesaler license.

(8) In approving any assignment and transfer of a wholesaler license, the Commission may impose special conditions relating to any future connection of the former licensee or any of his or her employees with the business of the assignee or transferee.

(a) Before the imposition of any special conditions, the Commission shall hold a hearing to allow the former licensee or any of his or her employees to attend and provide information to the Commission.

(b) The Commission shall provide written notice to all parties involved at least 10 days before the hearing.

(9) No wholesaler license may be assigned to any person who does not qualify for the license under sections 32B-1-304 and 32B-13-202 through 206.

(10)(a) A change of trade name may coincide with the transfer of the wholesaler license, with the Commission's approval.

(b) Any licensed wholesaler may adopt a trade name or change the trade name by applying to the Commission on forms provided by the Department and upon receiving the Commission's approval.

#### **R82-13-103. Change in Partners.**

(1) The authority for this rule is implied in Title 32B, Chapter 13, Beer Wholesaling License Act and explicit in section 32B-2-202, which authorizes the Commission to make rules governing criteria and procedures for licensure.

(2) If the wholesaler licensee is a partnership, the sale of a partnership interest or any change in partners shall be considered an assignment and transfer of the wholesaler license held by one partnership within the meaning of R82-13-103.

(3) However, if the wholesaler licensee is a partnership, and a partner should die dissolving the partnership, that partnership license shall remain in effect on a temporary basis for one month, unless or until the Commission directs otherwise.

### **KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: February 25, 2020**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202**

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