**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3138**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Stavrinakis, McCoy and Erickson

Document Path: l:\council\bills\dka\3027jh17.docx

Introduced in the House on January 10, 2017

Introduced in the Senate on May 11, 2017

Last Amended on May 8, 2018

Currently residing in conference committee

Summary: Special permits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 89](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 89](file:///h:\hj\20170110.docx))

5/3/2017 House Committee report: Favorable **Judiciary** ([House Journal‑page 64](file:///h:\hj\20170503.docx))

5/9/2017 House Member(s) request name added as sponsor: Erickson

5/9/2017 House Read second time ([House Journal‑page 72](file:///h:\hj\20170509.docx))

5/9/2017 House Roll call Yeas‑92 Nays‑15 ([House Journal‑page 72](file:///h:\hj\20170509.docx))

5/10/2017 House Amended ([House Journal‑page 15](file:///h:\hj\20170510.docx))

5/10/2017 House Read third time and sent to Senate ([House Journal‑page 15](file:///h:\hj\20170510.docx))

5/10/2017 House Roll call Yeas‑80 Nays‑18 ([House Journal‑page 18](file:///h:\hj\20170510.docx))

5/11/2017 Scrivener's error corrected

5/11/2017 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20170511.docx))

5/11/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\sj\20170511.docx))

4/18/2018 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 11](file:///h:\sj\20180418.docx))

4/25/2018 Senate Read second time ([Senate Journal‑page 29](file:///h:\sj\20180425.docx))

5/8/2018 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 40](file:///h:\sj\20180508.docx))

5/8/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 40](file:///h:\sj\20180508.docx))

5/8/2018 Senate Roll call Ayes‑33 Nays‑8 ([Senate Journal‑page 40](file:///h:\sj\20180508.docx))

5/10/2018 House Non‑concurrence in Senate amendment ([House Journal‑page 58](file:///h:\hj\20180510.docx))

5/10/2018 House Roll call Yeas‑0 Nays‑100 ([House Journal‑page 59](file:///h:\hj\20180510.docx))

5/10/2018 Senate Senate insists upon amendment and conference committee appointed Rankin, Hutto, Rice ([Senate Journal‑page 21](file:///h:\sj\20180510.docx))

5/10/2018 House Conference committee appointed Erickson, Stavrinakis, Bannister ([House Journal‑page 84](file:///h:\hj\20180510.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3138&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3138_20161215.docx)

[5/3/2017](file:///p:\pprever\2017-18\3138_20170503.docx)

[5/10/2017](file:///p:\pprever\2017-18\3138_20170510.docx)

[5/11/2017](file:///p:\pprever\2017-18\3138_20170511.docx)

[4/18/2018](file:///p:\pprever\2017-18\3138_20180418.docx)

[5/8/2018](file:///\\netapp\Common_spc\pprever\2017-18\3138_20180508.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

May 8, 2018

**H. 3138**

Introduced by Reps. Stavrinakis, McCoy and Erickson

S. Printed 5/8/18--S.

Read the first time May 11, 2017.

**A** **BILL**

TO AMEND SECTION 61‑4‑550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE PERMITS TO SELL BEER AND WINE AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION FOR “FESTIVAL”; AND TO AMEND SECTION 61‑6‑2000, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE LICENSES TO SELL ALCOHOLIC LIQUOR BY THE DRINK AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION OF “FESTIVAL”.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2017. (A) This section authorizes the department to issue a festival liquor by the drink license, not to exceed a period of five days that can be used on any day of the week subject to the requirements of Section 61-6-2010(C) and (D), to an applicant that meets the following requirements:

(1) the festival must have a total beneficial economic impact in an amount exceeding one million dollars to the immediate community in which the festival is held, which may be based on economic information from previous years;

(2) the festival, on a daily basis, must be bona fide engaged primarily and substantially in the preparation and serving of meals as defined in Section 61-6-20(2);

(3) the festival must have a projected attendance of at least thirty thousand people during the time the festival is held, and past attendance may be considered;

(4) the festival has engaged and continues to engage in tourism promotion;

(5) the festival is held in a defined premises that is separate and apart from other areas, and is enclosed by a fence or other type of enclosure of at least eight feet in height for the duration of the festival with a controlled, restricted access;

(6) the festival applicant shall establish a procedure that requires sufficient identification to determine that individuals who have paid for entrance to the festival and who are purchasing alcoholic beverages meet the age requirements to consume alcohol and further requires those individuals purchasing alcoholic beverages maintain in their possession a personal identifier that is easily identified by a server of alcoholic beverages, as well as requiring that alcoholic beverages are served in beverage containers that are distinct in color or design from the beverage containers used to serve nonalcoholic beverages; and

(7) the festival shall employ a security service licensed by the State Law Enforcement Division.

(B) Except as otherwise provided in this subsection, a festival liquor by the drink license shall be issued to a qualifying applicant only once a year. If, after a license has been issued, the festival is not held, the festival organizer or holder of the festival liquor by the drink license must notify the department within forty-eight hours of the decision to not hold the festival and return the license to the department and may apply for another festival liquor by the drink license in the same year.

(C) The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing an application for a festival liquor by the drink license. Applications for the festival liquor by the drink license must also be accompanied by the license fee of three thousand dollars payable to the department. License fees must be deposited with the State Treasurer or are refundable if a license is not issued or is returned in accordance with subsection (B). The application must include a statement by the applicant as to the nature, acreage of location, information requested in subsection (A), and dates of the festival. All of the buildings and grounds of the defined festival location that are under the direct control of the festival liquor by the drink license holder are presumed to be the premises used by the licensee to conduct the festival, including, but not limited to, the areas designated within the festival for entertainment, cultural events, food and beverage services, and retail spaces. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications.

(D) The department shall require the applicant to complete the law enforcement notification contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary license application and given an opportunity to object.

(E) The applicant must undergo a state criminal records check, supported by fingerprints, by the State Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal record checks must be reported to the department. The applicant is responsible for all costs associated with the criminal record checks. The department shall deny the application if the criminal record checks are not submitted with the application and filing fee or if they are obtained more than ninety days before the date of the festival.

(F) This section does not prohibit an applicant for a festival liquor by the drink license to apply for a temporary beer and wine permit, pursuant to Section 61-4-550.

(G) The issuance of this license authorizes the festival liquor by the drink licensee to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license issued pursuant to subarticle 1 of this article purchases its alcoholic liquors.

(H)(1) In addition to all other requirements, a licensee under this section is required to obtain a general liability or tort insurance policy that does not exclude liquor liability, a liquor liability insurance policy, or a general liability insurance policy with a liquor liability endorsement with a total coverage of at least one millions dollars during the period of the festival. Failure to maintain this coverage constitutes grounds for suspension or revocation of the license. Each applicant for this license shall include in the application for the festival liquor by the drink license documentation of the required policy in the required amounts.

(2) Each insurer writing a general liability or tort insurance policy that does not exclude liquor liability, a liquor liability insurance policy, or a general liability insurance policy with a liquor liability endorsement to a person licensed under this section for a festival liquor by the drink license must notify the department in a manner prescribed by the department regulation of the lapse or termination of the required insurance.”

SECTION 2. Section 61-6-1620(A) of the 1976 Code is amended to read:

“(A) This article authorizes the possession or consumption of alcoholic liquors on premises open to the general public for which a license has been obtained pursuant to Sections 61-6-1600, ~~or~~ 61-6-1610, and 61-6-2017.”

SECTION 3. This act takes effect upon the approval of the Governor.

‑‑‑‑XX‑‑‑‑