

## **7-200 General Provisions**

**7-200.1. Applications.**

**7-200.2. Records.**

**7-200.3. Display of Permits and Licenses.**

**7-200.4. Person Under 21-Violation to Allow Possession and Consumption of Alcoholic Liquors, or Possession and Consumption of Beer or Wine, on Premises.**

**7-200.5. Signs Required Under Section 61-4-70 and 61-6-1530; Size and Lettering.**

### **7-200 General Provisions.**

Title 61 of the South Carolina Code of Laws concerns the regulation of alcoholic liquor, beer and wine in the State of South Carolina. The following subsections address various general provisions applicable to the regulation of all alcoholic beverages.

#### **7-200.1. Applications.**

A. Filing fees. All applications filed with the South Carolina Department of Revenue must be accompanied by the appropriate filing fee before any application can be processed.

B. Contents of application. All applications shall describe with particularity the specific areas upon which the licensee shall store, sell and/or serve liquor, beer or wine. This description shall include but not be limited to the building or buildings affected, floors, rooms, patios, and recreation areas where authorization to conduct any of the above mentioned functions is requested.

C. Permits and licenses must be in same name. When a person applies for a beer and wine permit and/or a sale and consumption permit, a retail liquor store license, and/or a food preparation license, all permits and licenses must be applied for in the same name.

D. Change in Designee - Publicly Traded Corporation. A new license or permit is not necessary, provided no violations are pending, if the officer or employee designated to hold the permit or license on behalf of the publicly traded corporation is replaced by a different officer or employee. The replacement must be of good moral character, over the age of twenty-one and a resident of this State and notice of the substitution must be filed with the Department in writing.

E. Violation of license. A licensee or permittee, who permits or knowingly allows the storage, serving, sale or delivery of liquor, beer or wine in or upon those areas of this licensed establishment which were not specifically designated in the application shall be deemed to have violated said license or permit; provided, however, this regulation shall not be construed to prohibit the delivery of such containers within licensed hotels and motels to rooms which are leased and used primarily for lodging purposes.

F. In order to hold any retail alcoholic beverage permit or license under Title 61 of the South Carolina Code of Laws, the applicant, or holder of a retail alcoholic beverage permit or license, must obtain and maintain a retail sales tax license issued pursuant to Chapter 36 of Title 12 of the South Carolina Code of Laws. If the retail sales tax license of a location is revoked, canceled or otherwise terminated for any reason, the Department must cancel, suspend or revoke all retail alcoholic beverage permits or licenses issued for that location if such permits or licenses are not immediately surrendered to the Department at the time the retail sales tax license for the location is revoked, canceled or otherwise terminated.

G. Retail Liquor Dealers. Must procure permit. Every holder of a retail liquor license in this State must make application for and procure from the Department a permit to sell alcoholic beverages in sealed containers of two (2) ounces or less before any such sale is made. This permit will be issued by the Department free of charge. Any holder of a retail liquor license will be in violation of Title 61 of the 1976 Code, if such sales are made prior to obtaining this permit from the Department.

H. Partnership - Change to Corporation Must Have New Permit. A permit or a license is a personal privilege granted by the State and cannot be transferred from one person to another. A corporation is a distinct entity, and is as a matter of law, a person. Therefore, if a partnership holding a beer license incorporates, even though the stockholders are the same persons as the partners were, a new permit or license must be secured for the corporation.

I. Stipulations. Any written stipulation and/or agreement which is voluntarily entered into by an applicant for a permit or license between the applicant and the Department, if accepted by the Department, will be incorporated into the basic requirements for the enjoyment and privilege of obtaining and retaining the permit or license and shall have the same effect as any and all laws and any and all other regulations pertaining to the permit or license. Knowing violation of the terms of the stipulation or agreement shall constitute sufficient grounds to revoke said license.

J. Refund on Permit Applications. When an application for a permit or license is approved by the Department and is not used, a request for the refund of the permit or license fee must be received by the Department within the fiscal year for which the permit was issued, and in no event will a refund of an application fee be made unless a request is received by the Department within sixty (60) days of the date the permit was issued. An agent of the Department or the State Law Enforcement Division must verify in writing that the permit was not used.

#### **7-200.2. Records.**

Every holder of a permit or license issued by the Department must keep and maintain at some location within the state records of all purchases of liquor, beer and wine. Such records must include the name of the seller and the date and quantity of the purchase. These reports of purchases must be kept for a period of three (3) years and upon ten days notice must be made

available to the inspection of any authorized representative of the Department or the State Law Enforcement Division.

**7-200.3. Display of Permits and Licenses.**

The holder of a permit or a license shall display such license in a conspicuous place upon the premises; however, the license required by Section 61-6-700 shall be conspicuously displayed in the area in which the wines, liqueurs, and similar alcoholic beverages are used in the cooking and preparation of foods.

**7-200.4. Person Under 21-Violation to Allow Possession and Consumption of Alcoholic Liquors, or Possession and Consumption of Beer or Wine, on Premises.**

To permit or knowingly allow a person under twenty-one year of age to purchase or possess or consume alcoholic liquors, beer or wine in or on a licensed place of business which holds a license or permit issued by the Department is prohibited and constitutes a violation against the license or permit. Such violation shall be sufficient cause to suspend or revoke the license or permit by the Department.

**7-200.5. Signs Required Under Section 61-4-70 and 61-6-1530; Size and Lettering.**

The lettering on the signs required under Section 61-4-70 and 61-6-1530 shall be no smaller than one-half inch and the sign shall be posted in a conspicuous place behind the bar if the permit or license is for on-premise consumption or at the check-out counter if the permit or license is for off-premise consumption. Failure to post this sign in a proper manner shall constitute a violation against the permit or license.

**HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 2, eff February 24, 2006; State Register Volume 30, Issue No. 6, eff June 23, 2006.**