

**810-6-5-.37 Procedures for Beer and Wine Distributors Reporting Sales of Beer and Wine for Resale in this State. (NEW RULE)**

(1) The Wholesale to Retail Accountability Program (WRAP) at § 40-23-260, Code of Ala. 1975, provides a definition for the term “seller” as used in this statute. A “seller” is a manufacturer, wholesaler, or distributor of beer, wine, or tobacco products who sells to a retailer in this state. The term also includes a wholesale club or warehouse club that sells tobacco under a membership.

(2) The WRAP requires that each licensed beer or wine distributor (seller) shall report sales of any beer or wine made to licensees for which an exemption from sales or use tax collection was claimed at the time of the sale.

(3) This informational report includes the following:

- (a) Seller’s legal name.
- (b) Seller’s address.
- (c) Invoice reporting period.
- (d) Seller’s Alcoholic Beverage Control Board (ABC Board) beverage license number.
- (e) Seller’s telephone number.
- (f) Invoice date.
- (g) Invoice number.
- (h) Retailer’s ABC Board beverage license number.
- (i) Retailer’s sales tax account number (optional).
- (j) Retailer’s name.
- (k) Retailer’s street address (including city, state and zip code).
- (l) Total dollar amount sold for the reporting period.

(4) The informational report shall be due on or before the 20<sup>th</sup> day of the month next succeeding the month in which sales occur. The first informational report due to be filed electronically shall be for sales occurring on or after July 1, 2018. The department shall provide an electronic filing mechanism for submission of the informational report to the department.

(5) If a seller fails to properly file the required informational report in good

faith with the department on or before the prescribed date, the following penalties shall apply on or after January 1, 2019, and each reporting period thereafter:

(a) The first violation shall result in a written notice from the department advising the seller of the non-compliance and the penalty for future non-compliance if the report is not filed within thirty (30) days.

(b) The second violation shall result in a penalty not to exceed five hundred dollars (\$500). This penalty will apply if a delinquent report is not properly filed within thirty (30) days of the first notice provided under this paragraph or if a report was not properly filed for any period subsequent to one for which a first notice was previously issued.

(c) The third and each subsequent violation shall result in a penalty not to exceed one thousand dollars (\$1,000).

(6) A licensed beer or wine distributor who donated beer or wine in the same manner as a retailer making a gift pursuant to § 40-23-1(f) shall not be required to report such transaction on the informational report and is subject to the same exemption as a retailer making a gift pursuant to § 40-23-1(f). (See Rule 810-6-1-.196)

(7) The report required pursuant to this rule does not modify any reporting requirements under § 28-3-190(b), Code of Ala. 1975.

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Authority: §§ 40-2A-7(a)(5), 40-23-1(f), 40-23-31, and 40-23-260, Code of Ala. 1975

History: New Rule: Filed April 9, 2018; effective May 24, 2018.