

# WINE DIRECT SHIPPER PERMIT APPLICATION

Submit this form to the Department of ABC, Attn: Licensing, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. Include with application:

- Copy of current winery license
- Fees include a non-refundable application fee of \$105 and the annual fee of \$25 in check or money order form
- Copy of Federal Basic Permit

RECEIPT NUMBER
AMOUNT PAID
\$130.00

1. APPLICANT NAME(S) (This should be the same as the name on the winery license)			2. PHONE NUMBER (Including area code)		
3. PREMISES ADDRESS (Street number and name, city, state and zip code)					
4. BUSINESS NAME (DBA)					
5. BUSINESS MAILING ADDRESS (If different from #2 above) (Street number and name, city, state and zip code)					
6. EMAIL ADDRESS		7. STATE WHERE CURRENTLY LICENSED		8. LICENSE NUMBER	
10. TYPE OF LICENSE ISSUED (EX. WINEGROWER)		11. BONDED WINERY NUMBER			
12. AUTHORIZED SIGNATURE			13. PRINTED NAME		14. DATE SIGNED

**FOR ABC USE ONLY**

ATTACHMENTS RECEIVED		
<input type="checkbox"/> Copy of current alcoholic beverage license	<input type="checkbox"/> Payment	<input type="checkbox"/> Copy of Federal Basic Permit
RECOMMENDATION	REVIEWED BY	DATE APPLICATION ACCEPTED
<input type="checkbox"/> Approved <input type="checkbox"/> Denied		

**Business and Professions Code Section 23661.3**

(a) Notwithstanding any law, rule, or regulation to the contrary, any person currently licensed in this state or any other state as a winegrower who obtains a wine direct shipper permit pursuant to this section may sell and ship wine directly to a resident of California, who is at least 21 years of age, for the resident's personal use and not for resale.

Before sending any shipment to a resident of California, the wine direct shipper permit holder must:

- (1) File an application with the department.
- (2) Pay the application fee as specified in subdivision (a) of Section 23320 if the winegrower is not currently licensed by the department.
- (3) Provide the department its California alcoholic beverage license number or a true copy of its current alcoholic beverage license issued by another state.
- (4) Obtain from the department a wine direct shipper permit.
- (5) Obtain a seller's permit or register with the State Board of Equalization pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.
- (b) A wine direct shipper permit authorizes the permit holder to do all of the following:
  - (1) Sell and ship wine to any person 21 years of age or older for his or her personal use and not for resale.
  - (2) Ship wine directly to a resident in this state only in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."
  - (3) Ship wine only if the permit holder requires the carrier to obtain the signature of any individual 21 years of age or older before delivering any wine shipped to an individual in this state.
  - (4) If the permit holder is located outside of this state, report to the department no later than January 31 of each year, the total amount of wine shipped into the state during the preceding calendar year under the wine direct shipper permit.
  - (5) If the permit holder is located outside of this state, pay to the State Board of Equalization all sales and use taxes, and excise taxes on sales to residents of California under the wine direct shipper permit. For excise tax purposes, all wine sold pursuant to a direct shipper permit shall be deemed sold in this state.
  - (6) If located within this state, provide the department any necessary additional information not currently provided to ensure compliance with this section.
  - (7) Permit the department or the State Board of Equalization to perform an audit of the wine direct shipper permit holder's records upon request.

(8) Be deemed to have consented to the jurisdiction of the department or any other state agency and the California courts concerning enforcement of this section any related laws, rules, or regulations.

(c) A wine direct shipper permit holder located outside of the state may annually renew its permit with the department by paying an annual fee as specified in subdivision (b), and adjusted pursuant to subdivisions (d) and (e) of Section 23320 and providing the department with a true copy of its current alcoholic beverage license issued by another state. A wine direct shipper permit holder located in California shall renew its wine direct shipper permit in conjunction with its master license. For purposes of this section, "master license" means a winegrower's license issued by the department.

(d) The department and the State Board of Equalization may promulgate rules and regulations to effectuate the purposes of this law.

(e) The department may enforce the requirements of this section by administrative proceedings to suspend or revoke the wine direct shipper permit, and the department may accept payment of an offer in compromise in lieu of suspension as provided by this division. Any hearing held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code against a permit holder outside of California shall be held in Sacramento.

(f) Sales and shipments of wine direct to consumers in California from winegrowers who do not possess a current wine direct shipper permit from the department are prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such a shipment is guilty of a misdemeanor pursuant to Section 25617.