

# Retail Liquor Licenses (ABC Package Stores)

- I. **Requirement.** In order to sell alcoholic beverages for off-premises consumption, one must have a retail dealer's license (§ 61-6-100 (3)). This license also allows you to sell wine containing 16% or more of alcohol by volume. It does not allow you to sell beer containing less than 14% alcohol by weight..
- II. **Application.** Applications may be obtained by contacting the Alcoholic Beverage Licensing Section at (803) 898-5864, or by calling fax on demand at 1-800-768-3676 or (803) 898-5320. Application forms are also available on the Department's website at <http://www.sctax.org>. It is a crime to furnish false information on the application.
  - a. **Fees.** The initial application requires a nonrefundable filing fee of \$200. Licenses cost \$1,400 every two years.
  - b. **Good moral character.** All employees and all principals must be of good moral character (§ 61-2-100). When a license or permit has been suspended or revoked, no partner or person with a financial interest in the business may be issued a license or permit for the premises concerned (§ 61-2-140). No person within the second degree of kinship to a person whose license or permit has been suspended or revoked may be issued a license or permit for the premises concerned for a period of one year after the date of suspension or revocation (§ 61-2-140). All principals of a corporate entity must also submit a "Verification of Lawful Background for Applicants Principals" (ABL Form-920).
  - c. **Age and residence.** Principals must be at least 21 years of age. The Applicant, if an individual, must complete and submit a "Verification of Lawful Residence" (ABL Form -577) in accordance with the S.C. Illegal Immigration Reform Act.
  - d. **Location.** The location of the proposed place of business must be suitable.
  - e. **No more than three licenses.** An applicant cannot have any type of interest in more than three retail liquor stores. In addition, no license may be issued to more than one member of a household.
  - f. **Minimum distance from schools, churches, or playgrounds.** Locations established after November 7, 1962 must meet the following requirements:

- A. If the church, school, or playground is located in a municipality, the establishment must be at least 300 feet away.
  - B. If the church, school, or playground is located outside of a municipality, the establishment must be at least 500 feet away.
  - C. The distance is measured using the shortest route of normal vehicular or pedestrian traffic.
  - D. The distance restrictions do not apply to renewals or to new locations licensed at the time the application is filed with the Department.
- g. **Newspaper advertisement.** The applicant must advertise its intention to apply for the liquor license in a newspaper most likely to give notice to interested citizens (§ 61-6-1820). The advertisement must be published once a week for three consecutive weeks. Your application packet will list approved newspapers. It is the applicant's responsibility to advertise in the correct newspaper. Contact the Alcoholic Beverage Licensing Section at the number shown above if you are unsure which newspaper will give this required notice.
- h. **Notice to the public.** A sign must be displayed at the proposed place of business for at least fifteen days. An agent of the South Carolina State Law Enforcement Division must place and remove this sign (§ 61-6-1820). If the sign is removed by any person other than the agent, the location will have to be re-posted.
- i. **SLED investigation.** All liquor license applications are investigated by the South Carolina Law Enforcement Division. This investigation usually requires thirty to forty-five days, and will be delayed if the application is incomplete, incorrect information has been furnished on the application, or if the applicant does not promptly return the investigating agent's telephone calls.
- j. **Protests.** Any person residing in the county where a liquor license is being sought, or a person residing within five miles of the location, may protest the issuance of the permit (§ 61-6-185). Such a protest will significantly delay a liquor application, as a contested case hearing must be held before the Administrative Law Court. Due to notice and scheduling requirements, it usually takes two to four months for a hearing to be held from the time the file is transmitted to the Administrative Law Court by the South Carolina Department of Revenue. Files cannot be transmitted until the application is complete, the investigation is complete, all notice periods have run, and the applicant has requested a hearing.

Therefore, it is extremely important that the applicant follow the instructions in the application packet, fully answer all questions, and furnish all required information with the application. Once the Department has transmitted an application to the Administrative Law Court, the Court will schedule the matter for a hearing. Once a file has been transmitted to the Court, all requests for information and all motions must be filed with the Administrative Law Court, 1205 Pendleton Street, Suite 224 Edgar A. Brown Building, Columbia, SC 29201. The telephone number of the Administrative Law Court is (803) 734-0550.

- k. **Temporary licenses not to exceed 120 days.** A person who purchases or acquires by lease, inheritance, divorce decree, eviction, or otherwise a retail business which sells liquor from a holder of a retail license to sell liquor at the business, upon initiating the application process may be issued a temporary liquor license (§ 61-6-505). This license is valid until the biennial license is approved or denied, but in no case can the temporary license be valid for more than 120 days from the date of issuance. The fee for this license is \$25.00. The location for which the temporary license is sought must have had a valid Alcohol Beverage License and not be considered by the Department to be a public nuisance. All principals must be of good moral character, and cannot owe the State government any back taxes, penalties, or interest. The principals must attach a criminal records check, not more than 90 days old, on all principals. If any principals are nonresidents of SC or have not resided in SC for at least two years, you must attach a current criminal history background check obtained from the state of residency or former residency for each nonresident. These background checks must accompany your application. See page 3, for a definition of a "principal". For SC residents you can obtain these checks online at [www.sled.state.sc.us](http://www.sled.state.sc.us) or at SLED Headquarters, 4400 Broad River Rd, PO Box 21398, Columbia, SC 29221 (between the hours of 8:30 a.m. and 5:00 p.m. or by mail by forwarding your request to: SLED, PO Box 21398, Columbia, SC 29221-1398, ATTN: Criminal Records Department. You must enclose a self-addressed envelope and furnish your full name, social security number and date of birth. Record checks from SLED require a \$25.00 fee payable by money order or business check made out to SLED. **No personal checks or cash are accepted by SLED.**
- l. **Local zoning.** Before filing your application for a liquor license, you are strongly encouraged to check with your local

zoning authorities to insure that your business will comply with local zoning requirements.

- m. **License saturation.** If other liquor stores in your area protest your application and are able to show that citizens in your area desiring to purchase alcoholic liquors are more than adequately served, the Administrative Law Court may deny your application (§ 61-6-170).

**III. Expiration dates of licenses.** Licenses expire according to the county where the licensed premises is located (§ 61-2-120). The expiration dates are the last day of:

- a. February in years which end in an:
  - A. Odd number for Allendale, Bamberg, Barnwell, Beaufort, and Berkeley Counties;
  - B. Even number for Charleston, Clarendon, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg Counties;
- b. May in years which end in an:
  - A. Odd number for Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, and Horry Counties;
  - B. Even numbers for Lancaster, Marion, Marlboro, Union, and York Counties;
- c. August in years that end in:
  - A. Odd number for Calhoun, Kershaw, Lee, Orangeburg, and Sumter Counties;
  - B. Even number for Richland County;
- d. November in years which end in an:
  - A. Odd number for Abbeville, Aiken, Anderson, Edgefield, Greenville, and Greenwood Counties;
  - B. Even number for Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, and Spartanburg Counties.

**IV. License renewal.** File your renewal application at least thirty days before your license expires. A timely renewal by mail will prevent you from having to wait in a lengthy line. If you allow your license to expire, you cannot sell liquor or wine, and you will have to pay a filing fee to obtain your license. You may be required to re-advertise, and a new SLED investigation may be required. If you owe delinquent taxes, interest, or penalties, or have been convicted of a crime, your license will not be renewed (§ 61-2-160).

**V. Sales tax license required.** In addition to your retail liquor license, before you sell any item, you must first obtain a retail business license (sales tax license) from the South Carolina Department of Revenue (§ 12-36-510). There is a one-time fee of fifty dollars for this license.

**VI. Sign required to be posted.**

- a. **"The possession of beer, wine, or alcoholic liquors by a person under twenty-one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing beer, wine or liquor.**
  - b. **A person may transport alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed; but if the cap or seal on the container has been opened or broken, it is unlawful to transport alcoholic liquors in a motor vehicle, except in the luggage compartment or cargo area.**
- VII. Sale of wine at locations with a liquor license.** Your retail liquor license authorizes the sale of wine containing 16% or more alcohol content (by volume).
- VIII. Hours.** You may sell liquor from 9:00 AM until 7:00 PM, Monday through Saturday (61-6-1500(3)(a)).
- IX. Cessation of operations.** If your store ceases to operate or sells its assets, you must surrender your liquor license to the Department immediately. Liquor licenses cannot be transferred to the new operator. If you allow the new operator to use your liquor license, you will be held financially responsible for any violation committed by the new operator (§ 61-2-140).
- X. Minimum age of employees.** All employees must be at least twenty-one years of age.
- XI. Retail price displays.** You must display retail prices on the shelf under each brand and bottle size.
- XII. Premiums, coupons, or stamps.** You may offer discounts through the use of premiums, coupons, or stamps redeemable by mail.
- XIII. Minibottles.** In order to sell minibottles, you must obtain the necessary federal wholesale license, and you must procure a permit from the S.C. Department of Revenue. Regulation 7-200.1.
- XIV. Lottery tickets.** Lottery tickets may be sold in retail liquor stores. § 61-6-1540.
- XV. Check cashing services.** If properly licensed, check cashing services may be conducted on the premises of a retail liquor store. § 61-6-1505.
- XVI. Transfer of liquor between stores.** Liquor may be transferred between stores owned by the same person as long as the following requirements are met:
- a. The transfer is made by common carrier, licensed wholesaler's truck, or truck or station wagon owned by the licensee and the driver has in his or her possession an invoice showing the license numbers of the stores involved,

the brand, size and quantity to be transferred, and the date of the transfer.

- b. Prior to the transfer, a copy of the invoice must be mailed to the S.C. Department of Revenue, ATTN: ABL Section, Columbia, SC 29214.
- c. If the transfer is to be made by vehicle owned by the licensee, the vehicle must be registered with the S.C. Department of Revenue, ABL Section.

**XVII. Sampling.** Wines and alcoholic liquors may be sampled in retail liquor stores as long as they are conducted as follows:

- a. No sample may be offered from more than four products at any time.
- b. No more than one bottle of each of the four products may be opened.
- c. The sampling must be held in a designated tasting area and all open bottles must be visible at all times. All open bottles must be removed at the end of the tasting.
- d. Samples must be less than one-half ounce for each product sampled.
- e. No person may be served more than one sample of each product.
- f. No sampling may be longer than four hours.
- g. At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division.
- h. No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years. This person must not be allowed to loiter on the store premises.
- i. The tasting must be conducted by the manufacturer or an agent of the manufacturer, and must not be conducted by a wholesaler, retailer, or employee of a wholesaler or retailer.
- j. No retail liquor store may offer more than one sampling per day.

**XVIII. Prohibited acts.**

- a. **Sell or possess liquor in containers of less than two hundred milliliters.** § 61-6-1500(1).
- b. **Sell liquor between the hours of 7:00 PM and 9:00 AM.** § 61-6-1500(2).
- c. **Sell liquor for consumption on the premises.** § 61-6-1500(3).
- d. **Sell liquor to a person under 21 years of age.** § 61-6-1500(3).
- e. **Permit the drinking of liquor on the premises.** § 61-6-1500(A)(1)(b).

- f. **Sell liquor to an intoxicated person.** § 61-6-1500(A)(1)(d).
- g. **Sell liquor to a mentally incompetent person.** § 61-6-1500(A)(1)(e).
- h. **Sell liquor on credit; however, this does not prohibit payment by credit card.** § 61-6-1500 (3).
- i. **Redeem proof-of-purchase certificates for any promotional item.** § 61-6-1500(4)
- j. **Possess wine or liquor with a broken seal.** Regulation 7-501.
- k. **Interference with an officer.** § 61-2-240.
- l. **Permit a person under twenty-one years of age to possess or consume liquor.** Regulation 7-200.48.
- m. **Sell or keep non-alcoholic merchandise except items in sealed packages with liquor or drinking glassware packaged with liquor.** § 61-6-1540.
- n. **Purchase of liquors from a person other than a licensed retail dealer.** § 61-6-1630.
- o. **Purchase of liquors from a retail dealer with a check that fails to clear the bank.** Regulation 7-402.
- p. **Refilling liquors.** § 61-6-1500(B)(1).
- q. **Refusal to permit inspection upon demand of an officer or agent.** § 61-2-240.
- r. **Sale of liquors on which the tax has not been paid.** § 61--2600.
- s. **Purchase liquor or wine from a wholesaler with a check that fails to clear the bank.** Regulation 7-300.3.
- t. **Purchase liquor or wine from anyone other than a licensed wholesaler.** Regulation 7-300.2.

**XIX. Penalties.** The Department may revoke the license of any person failing to comply with requirements (§ 61-6-4270). However, in lieu of revocation, the Department may suspend the license or assess a monetary penalty. The penalty for a violation is dependant upon the severity of the offense. In addition, the Department may consider the number and severity of previous violations. However, for serious offenses, the Department may revoke the liquor license for the first violation. Some offenses are also criminal offenses, and violators may be arrested.

**XX. Training.** Employee and manager training emphasizing methods for selling beer and wine legally are available from a variety of 3<sup>rd</sup>-party vendors. For a list of approved vendors, see S.C. Revenue Procedure 04-4, available online under the Alcohol Beverage Licensing and Regulations Advisory Opinions.

**XXI. This handout is for general guidance only. It does not include every law or regulation dealing with liquors, or every crime that can be committed on a licensed premise. You may**

**contact the South Carolina Department of Revenue at 803-898-5864 or [www.sctax.org](http://www.sctax.org), in order to find or be instructed on how to find a complete copy of the laws and regulations on liquors. Please be aware that the law regulating liquors can be amended at any time.**

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[1] Retailers may accept draft beer or wine equipment replacement parts of nominal value, party wagons for temporary use, and point of sale advertising specialties. A retailer may also accept the cleaning of draft or wine lines, setting boxes, rotating stock, affixing price tags to beer or wine products, and building beer or wine displays.

[2] The five percent may be collected from each attendee. The price of admission must be on the ticket, and you must retain the ticket stub for three years.

[3] "The courts will refuse to countenance any trick or subterfuge intended to evade the law..."  
See Pirates Cove v. ABC Commission, 258 S.C. 397, 189 S.E.2d 7 (1972).

[4] Selling items, selling tickets or charging admission are examples of business or commercial activity.

[5] Advertising the event on television, on radio, in the newspaper, with flyers, with billboards or with signs is evidence that the function is open to the general public. Admitting persons that have not been personally invited by the person giving the function is evidence that the function is open to the general public