

# **KEG REGISTRATION AND IDENTIFICATION REQUIREMENTS**

## **FREQUENTLY ASKED QUESTIONS**

### **1. What is the new law regarding Keg Registration?**

Recently South Carolina passed into law legislation requiring South Carolina Department of Revenue-approved alcohol beverage license holders who sell beer in kegs to place an identification tag – called a *Keg Identification Tag* – on the keg and to record and keep specific information regarding the purchaser.

### **2. When does the new Keg Registration law take effect?**

January 1, 2008.

### **3. Which ABL license holders are affected by the Keg Registration statute?**

Any ABL license holder who sells a keg to a consumer for off-premise consumption must comply with the statute.

### **3. Are all kegs covered by the new statute?**

No, only kegs with a capacity of 5.16 gallons or more that are designed to dispense beer directly from the container in an off-premise location are affected.

### **4. What is the seller of the keg required to do?**

The ABL license holder must attach a Keg Identification Tag to the keg and must complete the State-approved Keg Registration Form. The license holder must keep the Keg Identification Tag and the Keg Registration Form, for a period of **not less than 90 days** from the date the keg was sold to the consumer.

## **5. Where can the license holder get a Keg Identification Tag?**

The South Carolina Department of Revenue will furnish the Keg Identification Tag to any license holder upon written request and proper proof of licensure. The Keg Identification Tag is furnished without cost to the license holder. The license holder must furnish his/her ABL license number and acknowledge receipt of the numbered Keg Identification Tag(s). Any South Carolina Department of Revenue office can furnish the license holder a limited number of Keg Identification Tags.

## **6. What will the Keg Identification Tag look like and what information will appear on the Keg Identification Tag?**

The Keg Identification Tag was designed by the South Carolina Department of Revenue and is approximately 4" x 5", and is a 2-color water-resistant and tear-resistant poly film tag, bearing consecutive numbers and the State of South Carolina image. The tag also contains certain relevant statutory portions advising the license holder on how to attach the tag. The tag carries a warning to the public that it is unlawful to remove, alter or obliterate the Keg Identification Tag, punishable by a fine of up to \$500 and/or imprisonment of not more than 30 days. The tag has blank lines for the license holder to record his name, address and ABL License Number.

## **7. How should the tag be attached to the keg?**

The Keg Identification Tag contains a small hole that allows the tag to be affixed to the keg by means of a nylon tie, cord, wire or other durable means of attachment.

## **8. What information must the license holder obtain and keep from the consumer?**

The license holder, before making any keg sale to a consumer, must record and keep the following information on the Keg Registration Form:

- ▶ The date of the sale and the Keg Identification Number
- ▶ The name, address and birth date of the purchaser

- ▶ The driver's license or identification card number furnished by the purchaser
- ▶ A statement by the *purchaser* attesting that the information furnished to the *license holder* is accurate and acknowledging that unless authorized by law, it is unlawful to transfer beer to a person under the age of twenty-one.
- ▶ The date the keg was returned to the license holder and whether the Keg Identification Tag was returned with the tag properly affixed.

The Keg Registration Form must be available for inspection by the Department of Revenue or law enforcement agencies during normal business hours.

#### **9. Where can a license holder obtain the Keg Registration Form?**

The State-approved Keg Registration Form will be available online at [www.sctax.org](http://www.sctax.org) under Beer/Wine/Liquor Forms. The Keg Registration Form also can be picked up at any local South Carolina Department of Revenue office.

#### **10. What should the license holder do upon the keg's return by the purchaser?**

The Keg Identification Tag should only be removed by the license holder upon the keg's return by the purchaser. The Keg Identification Tag must be kept not less than 90 days from the date of purchase. If the Keg Identification Tag is not properly affixed, or legible, the license holder shall indicate this information on the Keg Registration Form.

**Note:** The purchaser's receipt is attached to the bottom of the Keg Registration Form. The purchaser shall receive a receipt from the license holder indicating that the keg was returned with the Keg Identification Tag properly affixed to the keg.

The license holder must accept all returned kegs, but may, at the license holder's discretion, refuse to refund the deposit for a keg that has an altered Keg Identification Tag.

**11. What if the license holder fails to comply with the new Keg Registration law?**

A license holder's ABL license and permit are subject to suspension or revocation by the Department of Revenue.

**12. What if a person has a keg in their possession that does not have a proper Keg Identification Tag affixed to it?**

A person other than a manufacturer, shipper, wholesaler, or license holder may not knowingly possess a keg that does not have the Keg Identification Tag properly affixed to it, unless that person can demonstrate that the Keg Identification Tag was not correctly affixed by the license holder. A person who violates this section is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 30 days, or both.

**13. What if the Keg Identification Tag has been removed or altered?**

It is unlawful for any person other than a license holder, wholesaler, manufacturer, shipper, Department of Revenue employee, or appropriate law enforcement officer to remove, alter or obliterate a Keg Identification Tag. A person who violates this section is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 30 days, or both.

**14. What is the exact language of the statute?**

**KEG REGISTRATION**

**SECTION 61-4-1910** For purposes of this article:

- (1) 'Keg' means a container of beer with a capacity of 5.16 gallons or more that is designed to dispense beer directly from the container in an off-premises location.
- (2) 'Retail licensee' means the holder of a retail beer or wine license issued by the Department of Revenue.

**SECTION 61-4-1920**

(A) A retail licensee shall not sell a keg of beer without:

- (1) recording the date of sale, the keg identification number, the name, address, and birth date of the purchaser, and the driver's license or identification card number presented by the purchaser;

(2) requiring the purchaser to sign a statement attesting to the accuracy of the purchaser's information, acknowledging that, unless otherwise Licensed by law, it is unlawful to transfer beer to a person under the age of twenty-one, and that, unless otherwise Licensed by law, the beer in the keg will not be consumed by a person under the age of twenty-one; and

(3) attaching an identification tag to the keg with the name, address, and license number of the retail licensee and the keg identification number. An identification tag must consist of paper, plastic, metal, or durable material that is not easily damaged or destroyed. An identification tag must be attached to the keg at the time of the sale with a nylon tie or cording, wire tie or other metal attachment device, or other durable means of tying or attaching the tag to the keg.

(B) The Department of Revenue shall prescribe and provide the form to be used that contains the keg identification information and the purchaser's statement. The Department of Revenue also shall prescribe and provide the keg identification tag and the manner in which the tag must be attached to the keg.

(C) The retail licensee shall maintain the keg identification form and the purchaser's statement form for a minimum of ninety days from the date the keg is purchased. These forms must be available during normal business hours for inspection by the Department of Revenue and appropriate law enforcement agencies.

(D) The retail licensee shall record the date of return of a keg on the proper identification form. After the keg is returned, it shall be the responsibility of the retail licensee to remove the tag. The purchaser shall receive a receipt from the retail licensee that the keg was returned with the tag appropriately affixed. If there is no tag affixed to the keg or if the identification number is not legible, the retail licensee shall indicate this fact on the proper keg identification and purchaser statement form.

(E) A retail licensee must accept all returned kegs, and upon the licensee's discretion, may not refund the deposit for a keg that has an altered identification number.

(F) A retail licensee who violates the provisions of this section is subject to suspension or revocation of his beer or wine license or monetary penalties pursuant to Section [61-4-250](#). A person who violates a provision of this section:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars.

#### **SECTION 61-4-1930**

(A) A person may not knowingly possess a keg that does not have the proper label with all information accurately recorded, unless the person can demonstrate by a preponderance of the evidence that the keg was not correctly tagged by the seller pursuant to the requirements of Section 61-4-1920

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(C) The provisions of this section do not apply to any manufacturer, shipper, wholesaler, or licensee.

#### **SECTION 61-4-1940**

(A) A person may not purposefully remove, alter, obliterate, or allow to be removed, altered, or obliterated, a keg tag or other information recorded on the tag.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(C) The provisions of this section do not apply to any manufacturer, shipper, wholesaler, licensee, the Department of Revenue, or other appropriate law enforcement agency."S.C. Ann Sections 61-4-300; 61-4-310; 61-4-340; 61-4-940; 61-4-1300; 61-4-1310