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| **Notice of Proposed Rule** |
| **TYPE OF RULE:** Amendment |
| **Rule or Section Number:** | **R82-5-202** | **Filing ID: 54847** |

**Agency Information**

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| **1. Department:** | Alcoholic Beverage Services |
| **Agency:** | Administration |
| **Street address:** | 1625 S 900 W |
| **City, state and zip:** | Salt Lake City, UT 84104 |
| **Mailing address:** | PO Box 30408 |
| **City, state and zip:** | Salt Lake City, UT 84130-0408 |
| **Contact persons:** |
| **Name:** | **Phone:** | **Email:** |
| Vickie Ashby | 801-977-6801 | vickieashby@utah.gov |
| Angela Micklos | 801-977-6800 | afmicklos@utah.gov |
| **Please address questions regarding information on this notice to the agency.** |

**General Information**

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| **2. Rule or section catchline:** |
| R82-5-202. Retail License Renewals |
| **3. Purpose of the new rule or reason for the change** (Why is the agency submitting this filing?)**:** |
| In the 2022 General Session, S.B. 176 expanded the commission's rulemaking authority to enact rules related to "late renewals" for all license types, which encompasses all alcohol licenses issued by the commission. Section R82-5-202 governs late renewals for only "retail licenses" as defined in Subsection 32B-1-102(111). Since retail licenses are a subset of all alcohol licenses, there is no need to have a separate rule for only retail licenses. Section R82-5-202 will be replaced with Section R82-2-202.1 which governs the process for late renewals for all license types.(EDITOR'S NOTE: The proposed amendment to Section R82-2-202.1 is under ID 54843 in this issue, September 15, 2022, of the Bulletin.) |
| **4. Summary of the new rule or change** (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule)**:** |
| This section will be deleted and replaced with Section R82-2-202.1 which incorporates the provisions for late retail license renewals that were previously in Section R82-5-202 and expands them to include all alcohol license types, as mandated in S.B. 176 (2022). |

**Fiscal Information**

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| **5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
| **A) State budget:** |
| None--This rule will reduce the amount of fees that the department receives for late renewals, but not substantially, given that there are only a handful of licensees that renew late. While the impact to an individual licensee may be several hundred dollars, the impact to the department's revenue, and therefore, the state budget, is miniscule. The fiscal impact of this amendment on the state budget is inestimable as it is unknown how may licensees will renew late and be charged the reduced amount. |
| **B) Local governments:** |
| None--This rule does not create additional cost or savings for local governments because it does not regulate them. |
| **C) Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| None -- The deletion of this section and enactment of Section R82-2-202.1 could save alcohol licensees who miss the statutory renewal deadline for their license several hundred dollars. However, the exact fiscal impact of this amendment is inestimable as it is unknown how may licensees will renew late and be charged the reduced amount. |
| **D) Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| The deletion of this section and enactment of Section R82-2-202.1 could save alcohol licensees who miss the statutory renewal deadline for their license several hundred dollars. However, the exact fiscal impact of this amendment is inestimable as it is unknown how may licensees will renew late and be charged the reduced amount. |
| **E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| None--This rule does not create additional cost or savings for persons other than small businesses, non-small businesses, state or local government entities. The exact fiscal impact of this amendment is inestimable as it is unknown how many persons will renew late and be charged the reduced amount. |
| **F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?)**:** |
| None--This rule will save alcohol licensees who miss the statutory renewal deadline for their license several hundred dollars. Currently, alcohol licensees who miss the renewal deadline must submit the higher fees associated with a new license application, which in most cases greatly exceeds $300. |
| **G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |
| **Regulatory Impact Table** |
| **Fiscal Cost** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Cost** | **$0** | **$0** | **$0** |
| **Fiscal Benefits** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Benefits** | **$0** | **$0** | **$0** |
| **Net Fiscal Benefits** | **$0** | **$0** | **$0** |
| **H) Department head comments on fiscal impact and approval of regulatory impact analysis:** |
| The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, has reviewed and approved this fiscal analysis. |

**Citation Information**

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| **6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:** |
| Section 32B-2-202 |  |  |

**Public Notice Information**

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| **8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.) |
| **A) Comments will be accepted until:** | 10/17/2022 |

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| **9. This rule change MAY become effective on:** | 10/24/2022 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.  |

**Agency Authorization Information**

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| **Agency head or designee and title:** | Tiffany Clason, Executive Director | **Date:** | 08/24/2022 |

**R82. Alcoholic Beverage Services, Administration.**

**R82-5. General Retail License Provisions.**

**[~~R82-5-202. Retail License Renewals.~~**

 ~~This rule is adopted pursuant to Section 32B-5-202, which authorizes the Commission to make rules permitting and establishing the parameters of late retail license renewals.~~

 ~~For purposes of this rule, "late renewal" means the Department's receipt, after the date of the statutory renewal deadline related to the retail license at issue, of the requisite documents and payment to renew a retail license.~~

 ~~The Department may accept a late renewal application for a retail license received at the Department's Administrative Office by 5 p.m. the 10th day of the month that follows the statutory renewal deadline for that retail license type. If the 10th of the month falls on a Saturday, Sunday, or state or federal holiday, the Department shall consider a completed renewal application that is received by 5 p.m. on the next business day following the weekend or holiday.~~

 ~~Retail licensees who fail to meet the deadline established in Section R82-5-202 must apply for a new retail license.~~

 ~~The licensee seeking late renewal shall submit to the Department:~~

 ~~(1) Each document required for renewal pursuant to Section 32B-5-202;~~

 ~~(2) The statutory renewal fee for that retail license; and~~

 ~~(3) A $300 late fee.~~]

**KEY: alcoholic beverages**

**Date of Last Change: [~~August 3,~~] 2022**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202**

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