

FYI – For Your Information

Colorado Alcohol Beverage Wholesalers and Manufacturers

GENERAL INFORMATION

This FYI explains state licensing and tax information for wholesalers and manufacturers of alcohol beverages. Licensing is administered by the Liquor Enforcement Division, and liquor taxes are administered by the Taxpayer Service Division. Each division listed in this FYI must be contacted **separately** for assistance with the liquor issues under its jurisdiction.

LIQUOR ENFORCEMENT DIVISION

Application Procedures

To become a licensed liquor or 3.2% beer distributor in the State of Colorado, you must submit a completed “Colorado Liquor or Beer License Application” (DR 8409). Bonds are no longer required.

Licensing Fees

Licensing fees range from \$70 for a limited winery to \$1,050 for a liquor wholesaler. In addition to licensing fees, there is a one-time application fee of \$1,125 for each license.

Wholesalers and brewers should contact the Liquor Enforcement Division at (303) 205-2300 for additional information concerning licensing and fee requirements.

U.S. Government Requirements

In addition to a state license, federal law requires you to pay a special occupational tax before you begin business and by July 1 each year thereafter. An application for a wholesaler’s or brewer’s permit is also required. Contact the Alcohol and Tobacco Tax and Trade Bureau (TTB). You may also access their Web site at www.ttb.gov

Business Changes

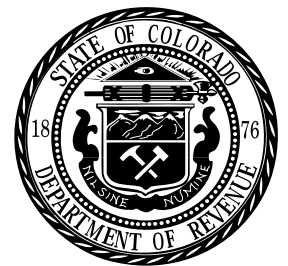
If you move your business and/or change your trade name with no change in ownership, you must contact the Liquor Enforcement Division, 1881 Pierce St., Room 108, in Lakewood, CO 80214, (303) 205-2300, **before** a change is made.

Before there is a change in ownership or type of ownership (sole proprietorship, partnership, corporation, etc.), you must contact the Liquor Enforcement Division for re-licensing.

Further Information

For more detailed information on liquor licensing, contact the Liquor Enforcement Division, (303) 205-2300.

Copies of the liquor and beer code regulations may be purchased for \$20 plus shipping and tax from the State Forms Center, (303) 370-2165.



Colorado Department
of Revenue
Taxpayer Service Division
1375 Sherman St.
Denver, Colorado 80261

Forms and other services:
(303) 238-FAST (3278)
Assistance:
(303) 238-SERV (7378)
Fuel Tax: (303) 205-8205
www.taxcolorado.com

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EXCISE 12 (12/06)

TAXPAYER SERVICE DIVISION

Tax Rates

Colorado liquor excise tax rates are as follows:

- 8¢ per gallon for 3.2% Beer
- 8¢ per gallon for Malt Liquor (beer)
- 8¢ per gallon for Hard Cider (apple and pear only)
- 7.33¢ per liter for Vinous Liquor
- 60.26¢ per liter for Spirituous Liquor

Effective July 1, 1997, "hard cider" is statutorily defined as an alcohol beverage containing at least one-half of one percent and less than seven percent alcohol by volume that is made by fermentation of the natural juice of apples or pears, including but not limited to flavored hard cider and hard cider containing not more than 0.392 grams of carbon dioxide per hundred milliliters. For the purposes of Article 47, C.R.S., hard cider shall in all respects be treated as vinous liquor except where expressly provided otherwise.

NOTE: All cider that does not meet the definition of "hard cider," but is within the definition of "vinous liquors," shall continue to be taxed as vinous liquor.

Grape excise tax is due on all grapes of vinifera variety or other produce imported into or grown in Colorado, and used in the production of wine in this state by a licensed Colorado winery.

Grape excise tax rate is as follows:

- \$10 per ton on and after July 1, 1996

Surcharge Rates

Colorado imposes a Vinous Surcharge and a Colorado Winery Surcharge to support the Colorado Wine Industry Development Fund.

The Vinous Surcharge of one cent (1¢) per liter is due on all vinous liquors (wines) **sold** in Colorado through June 30, 2000.

Effective July 1, 2000, the one-cent (1¢) per liter continues to be due on all vinous

liquors (wines) sold in Colorado, however, it will be known as a Wine Development Fee.

The Colorado Winery Surcharge is due on all vinous liquors **produced** by Colorado licensed wineries and sold, offered for sale or used in this state.

Effective July 1, 1997, the tax amount will be determined using an annual graduated rate. The graduated rate shall be applicable for the 12-month period beginning on the first day of July each year. The graduated annual rate is 5 cents per liter for the first 9,000 liters, 3 cents per liter for the next 36,000 liters, and 1 cent per liter for all additional amounts.

Effective July 1, 2006, the sale and direct shipment of wine produced in Colorado or out-of-state is permitted to personal consumers in Colorado under certain conditions. A Wine Direct Shipper's Permit must be obtained. Please refer to FYI Excise 21 "Shipment of Wine to Personal Consumers in Colorado" for more information. To apply for a Wine Direct Shipper's Permit you must submit a completed "Application for Wine Shipment Permit" (DR 8475) to the Liquor Enforcement Division. Contact the Liquor Enforcement Division at (303) 205-2300 for more information regarding licensing.

Filing Requirements

A "Monthly Report of Excise Tax for Alcohol Beverages" (DR 0442) along with supplemental schedules and payment of tax is to be filed on or before the 20th day of the month following the month in which such alcohol beverages are first sold in this state. Purchases of liquor and beer must be reported on the schedule entitled "Wholesalers Report of Liquor and Beer Purchases" (DR 0445). Wholesalers are not required to submit invoices. However, all records pertaining to the purchase of any and all alcohol beverages must be available upon request.

"First sold" means the sale or disposal which occurs when a licensed wholesaler sells, transfers, or otherwise disposes of product, or when a manufacturer sells to a licensed wholesaler or consumer.

If licensed manufacturers or wholesalers wish to pay the liquor excise tax upon

manufacture, or upon receipt of alcohol beverages, rather than when first sold, such wholesaler or manufacturer should contact the Excise Tax Accounting Section at (303) 205-8211 extension 6848. Ask to enter in to a "Memorandum of Understanding" with the Department of Revenue. The Memorandum of Understanding must be approved by the Department.

The Colorado Liquor Code provides special rules for the tax treatment of malt liquor (beer) and/or fermented malt beverage (3.2% Beer).

Any beer or 3.2% Beer sold at wholesale by a brewer that has procured a wholesaler's license (wholesaler to wholesaler) shall be unloaded and placed in the physical possession of the other wholesaler, at that wholesaler's licensed premises, where it is inventoried for the purpose of tax collection prior to delivery to a retailer. The receiving wholesaler shall be liable for the payment of the excise tax under these circumstances. For more information, see §12-47-402(1), C.R.S.

Any beer sold at wholesale by a **brewpub** (manufacturer to wholesaler) shall be unloaded and placed in the physical possession of the wholesaler, at that wholesaler's licensed premises before it is sold to retailers. The brewpub (manufacturer) shall be liable for the payment of excise tax due when first sold to the wholesaler.

The Department of Revenue will send you a DR 0442 each month on which the following information will be preprinted: licensee name, "DBA" or trade name, address, and account number. Note that trade name registration and information for individuals and general partnerships will be handled by the Colorado Secretary of State beginning May 30, 2006. Failure to receive a form, however, does not relieve you of your legal responsibility to file the return by the due date. If for some reason you do not receive your DR 0442, contact the Department and one will be sent to you. A DR 0442 is to be filed even if no tax is due for that month. Be sure to write your account number on all checks and correspondence. You may obtain this form by downloading it from the Web at www.taxcolorado.com

If you want to use a computerized print-out or facsimile of any form required by the department, you must first obtain written approval by sending a sample of the computerized printout or facsimile to: Colorado Department of Revenue, Excise Tax Account Section, 1375 Sherman St., Room 237, Denver, CO 80261.

Payment may also be made through Electronic Funds Transfer (EFT). To make payments through EFT use Form DR 5785 "Authorization For Electronic Funds Transfer for Tax Payment" to arrange EFT filing. You may obtain this form by downloading it from the Web at www.taxcolorado.com

NOTE: Credits for tax overpayment in prior filing periods cannot be claimed on the DR 0442. You must instead request a refund by filing a "Claim for Refund" (DR 0137) with the Excise Tax Accounting Section, Colorado Department of Revenue, 1375 Sherman St., Room 237, Denver, CO 80261.

Colorado Liquor Excise Tax Exemptions on Wine, Spirituous Liquor (Spirits) and Beer

Sales of wine and spirituous liquor to federally ceded property (e.g., military) are exempt from state liquor excise tax. Sales of fermented malt liquor (3.2% beer) and malt liquor (beer) are **not** exempt from the state liquor excise tax.

Alcohol beverages shipped outside of Colorado by a licensed manufacturer or wholesaler are exempt from the state liquor excise tax.

Brewers, distillers or wholesalers may claim a credit or refund for the amount of state liquor excise tax paid on alcohol beverages sold when such alcohol beverages are rendered unsaleable by reason of damage or destruction. Credit will be allowed upon submission of evidence satisfactory to the Department of Revenue that excise tax was actually paid. When reporting this credit, submit an affidavit explaining circumstances, count and destruction.

When planning a destruction of alcohol beverages, contact the Excise Tax Accounting Section in writing at 1375 Sherman St., Room 237, Denver, CO 80261 at least 4 weeks prior to the destruction date. A department representative may attend to witness the destruction.

NOTE: Liquor tax credits are not allowed on any alcohol liquors rendered unsaleable due to spoilage.

Recordkeeping

Colorado law requires you to keep accurate and complete records of your purchase, sale and transfer activities of alcohol beverages for a period of three years.

Penalties and Interest

If excise tax is not paid when due, penalty is charged and due at a rate of ten percent (10%) of the amount of tax due. Interest is charged on the total of tax and penalty at a rate of one percent (1%) per month or fraction of a month from the date the tax became due until paid.

Failure to pay any liquor excise tax due may result in the state licensing authority, after a public hearing, suspending or revoking your liquor license.

Other Liquor FYIs and Information

- Questions regarding liquor excise taxes should be referred to the Excise Tax Accounting Section at (303) 205-8211 extension 6848.
- FYI Excise 20 "Bringing Personal Liquor Stock into Colorado."
- FYI Excise 21 "Shipment of Wine to Personal Consumers in Colorado."

E-SERVICES FOR BUSINESS

The following services are accessible at www.taxcolorado.com under "Online Services."

Electronic Payment (EFT). Businesses can make payments on the Internet or by telephone. Register to make Electronic Payment via our no-cost ACH debit service. See Form DR 5785 "Electronic Payment Authorization" to sign up.

Sales Tax ZeroFile - Safely and easily file a Colorado Sales Tax Return (Form DR 0100) for state and state-collected local sales tax when you have zero net sales (line 3 of form DR 0100) and no sales tax due. Any filing period type (monthly, quarterly, annually, and seasonal) is eligible. Retailers with only one location and with net sales of zero and no payment due may use this system. There is no need to send a paper form. Also available by calling (303) 205-TAX0 (8290).

Sales Tax Account History - Allows businesses to review their tax account payments back to December 2002. Users will need their account number to obtain a PIN for security purposes.

The following services are available on the Web under www.taxcolorado.com "Sales Tax Information" as well as by telephone at (303) 238-FAST (3278):

Local Sales Tax Rates - A fast way to find sales tax rates for ANY local jurisdiction.

Sales Tax License Verification - Confirm whether a Colorado sales tax license or exemption certificate is valid. If you have a sales tax license or exemption certificate number, you can find this information quickly.

Retailers' Sales Tax Rates - Check on the sales tax rates at your specific business location(s).

FURTHER INFORMATION

FYIs and commonly used forms are available on the Web at www.taxcolorado.com

FYIs provide general information concerning a variety of Colorado tax topics in simple and straightforward language. Although the FYIs represent a good faith effort to provide accurate and complete tax information, the information is not binding on the Colorado Department of Revenue, nor does it replace, alter, or supersede Colorado law and regulations. The Executive Director, who by statute is the only person having authority to bind the Department, has not formally reviewed and/or approved these FYIs.