

59-14-202 Issuance of licenses -- Common carrier licenses -- Contents -- Valid for three years -- Revocation -- Distribution requirements.

- (1) Cigarette licenses may be issued only to a person owning or operating the place or cigarette vending machine from which the cigarette sales are made.
- (2)
 - (a) A license is required for each separate place of business.
 - (b) A licensee shall notify the commission within 30 days in the event that it changes the location of the business.
- (3) Applications for a license under this chapter shall be submitted on a form authorized by the commission. Each application shall state:
 - (a) the name and address of the applicant;
 - (b) the address of each place of business where the applicant's business will be conducted within this state; and
 - (c) any other information the commission may require relevant to license qualification.
- (4) A common carrier is not required to obtain more than one license for sales on conveyances operated by that carrier within the state. All conveyances owned by a common carrier are considered as one place of business for the purpose of this chapter.
- (5) No license may be granted, maintained, or renewed:
 - (a) if any combination of people owning directly or indirectly, in the aggregate, more than 10% of the ownership interests in the applicant:
 - (i) has been convicted of knowingly:
 - (A) selling stolen or counterfeit cigarettes;
 - (B) receiving stolen or counterfeit cigarettes; or
 - (C) being involved in the smuggling or counterfeiting of cigarettes;
 - (ii) is a cigarette manufacturer or importer that is not a:
 - (A) participating manufacturer as defined in subsection II(jj) of the "Master Settlement Agreement"; or
 - (B) in full compliance with the provisions of this chapter dealing with nonparticipating manufacturers;
 - (iii) has imported, or caused to be imported, into the United States any cigarette in violation of 19 U.S.C. 1681a; or
 - (iv) has imported, or caused to be imported into the United States, or manufactured for sale or distribution in the United States any cigarette that does not fully comply with the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331, et. seq.; and
 - (b) until the applicant:
 - (i) has paid any delinquent cigarette taxes; and
 - (ii) has served the period of suspension resulting from any prior revoked license.
- (6) Each license shall be numbered, show the residence and place of business of the licensee, and is nontransferable.
- (7)
 - (a) Each license is in effect for three years from the date of issuance, unless the license is earlier revoked by the commission.
 - (b) The license expires on the expiration date shown on the license, unless the licensee renews it in accordance with commission rules.
 - (c) The commission shall by rule establish procedures for the renewal and reinstatement of licenses.
- (8)

- (a) In addition to any civil or criminal penalty provided by law, the commission shall, after providing notice and a hearing, revoke the license of any person:
 - (i) found to have violated this title; or
 - (ii) who no longer qualifies for licensure under Subsection (5).
- (b) In the case of a revocation under Subsection (8)(a)(i), a license may not be issued to that person within a period of two years after the violation.
- (9) A licensee may not barter, sell, exchange, or offer for sale:
 - (a) cigarettes in an individual package or container that contains less than 20 cigarettes; or
 - (b) roll-your-own cigarettes in an individual package or container that contains less than 0.6 ounces of tobacco.
- (10)
 - (a) The commission shall maintain a list that includes the identity of all people licensed under this section.
 - (b) The list shall:
 - (i) include the type of license possessed; and
 - (ii) be updated by the commission at least once per quarter.

Amended by Chapter 217, 2004 General Session