

**RULES  
OF  
THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**CHAPTER 0100-05  
FINES**

**TABLE OF CONTENTS**

0100-05-.01	Purpose	0100-05-.05	Schedule of Range of Fines for Violations by Wholesalers Licensed Pursuant to T.C.A. § 57-3-203
0100-05-.02	Violations	0100-05-.06	Schedule of Range of Fines for Violations by Manufacturers Licensed under T.C.A. §57-3-202 or Chapter 2 of Title 57 of the Code
0100-05-.03	Schedule of Range of Fines for Violation by Permittees for Consumption of Alcoholic Beverages on the Premises, Pursuant to T.C.A. § 57-4-201	0100-05-.07	Responsible Vendor Mitigation Program
0100-05-.04	Schedule of Range of Fines for Violations by Retailers Licensed under T.C.A. § 57-3-204 or T.C.A. § 57-3-207		

**0100-05-.01 PURPOSE.**

- (1) In any case where the Alcoholic Beverage Commission is given the power to suspend or revoke any license or permit issued pursuant to Title 57, Tennessee Code Annotated, the Commission may, in the alternative to suspension or revocation, impose a fine as set out hereafter.
- (2) Fines may be used to informally remedy a matter by written consent of all parties to the matter.

**Authority:** T.C.A. §§ 57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 199; effective January 10, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.02 VIOLATIONS.**

- (1) If one or more violations result from one illegal act or set of circumstances, the fine for each individual violation may not exceed the maximum fine for any of the involved categories of licenses.
- (2) Each separate offense of multiple violations occurring at the same time, not arising from the same illegal act or set of circumstances, may result in individual fines being levied at the maximum for the categories of licensees.
- (3) Repeat occurrences of the same violation by a licensee within a license year may result in separate fines for each violation.

**Authority:** T.C.A. §§ 57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1992; effective January 10, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.03 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY PERMITTEES FOR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES, PURSUANT TO T.C.A. § 57-4-201.**

- (1) The following violations may result in fines from a minimum of two hundred dollars (\$200.00) to the maximum statutorily allowed.

(Rule 0100-05-.03, continued)

- (a) Sale of alcoholic beverages for consumption of the premises as prohibited by T.C.A. § 57-4-203(e).
  - (b) Giving away alcoholic beverages contrary to T.C.A. § 57-4-203(e).
  - (c) Selling or giving away alcoholic beverages or allowing the same to be consumed contrary to Rule 0100-01-.03(2) [after hours].
  - (d) Selling alcoholic beverages to person who are visibly intoxicated contrary to T.C.A. § 57-4-203(c).
- (2) The following violations may result in fines ranging from a minimum of one hundred dollars (\$100.00) to the maximum statutorily allowed.
- (a) Advertising the availability of alcoholic beverages on signs on or adjacent to the exterior of such a licensed premises contrary to T.C.A. § 57-4-203(a).
  - (b) Failure to comply with T.C.A. § 57-4-203(b)(3), relative to not employing persons to dispense or serve alcoholic beverages without a liquor by the drink employee permit.
  - (c) Failure to notify the Commission of a change in management pursuant to Rule 0100-01-03(1).
- (3) The following violations may result in fines ranging from a minimum of three hundred dollars (\$300.00) to the maximum statutorily allowed.
- (a) Sale of alcoholic beverages to minors in violation of T.C.A. § 57-4-203.
  - (b) Failure to comply with Rule 0100-01-.03(7), relative to licensees' responsibility for law and order in licensed premises.
  - (c) Violation of Rule 0100-01-.03(10) relative improper employee conduct.
- (4) Buying alcoholic beverages from sources other than a licensed wholesaler may result in a fine of one thousand five hundred dollars (\$1,500.00), or to the maximum statutorily allowed.
- (5) Allowing persons under the age of 18 years to dispense, serve or sell alcoholic beverages, contrary to T.C.A. § 57-4-203, may result in a fine ranging from four hundred dollars (\$400.00) to the maximum statutorily allowed.
- (6) All other violations of the rules of the Commission or of Tennessee statutes not specifically listed above may result in a fine ranging from one hundred dollars (\$100.00) to the maximum statutorily allowed.

**Authority:** T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 29, 1982; effective January 10, 1983. Amendment repealing and replacing rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.04 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY RETAILERS LICENSED UNDER T.C.A. § 57-3-204.**

- (1) The following violations may result in fines from a minimum of one hundred dollars (\$100.00) to a maximum seven hundred and fifty dollars.
  - (a) Improper use of a sign or bill board as prohibited by Rule 0100-03-.05(2)(e).

(Rule 0100-05-.04, continued)

- (b) Failure to maintain proper records as required by Rule 0100-03-.14(2).
  - (c) Employing persons to dispense alcoholic beverages who do not possess or have on his person the employee permit required by T.C.A. § 57-3-204.
  - (d) Soliciting business as prohibited by Rule 0100-03-.11(3).
  - (e) Violation of direct mail advertising prohibition contained in Rule 0100-03-.03.
- (2) The following violations may result in fines from a minimum of two hundred dollars (\$200.00) to a maximum of seven hundred and fifty dollars (\$750.00).
- (a) Giving away any items of value contrary to Rule 0100-03-.11(3)(b).
  - (b) Storing alcoholic beverages for another retailer contrary to Rule 0100-03-.14(8).
  - (c) Consuming or allowing others to consume alcoholic beverages within the licensed premises contrary to Rule 0100-03-.16(9).
  - (d) Keeping or allowing unsealed containers of alcoholic beverages within the licensed premises contrary to Rule 0100-03-.16(10).
  - (e) Purchasing alcoholic beverages from other than a licensed wholesaler contrary to T.C.A. §57-3-404(b).
  - (f) Purchasing alcoholic beverages while on a no-buy status contrary to Rule 0100-03-.17.
  - (g) Selling alcoholic beverages before or after authorized hours contrary to T.C.A. § 57-3-406(e).
  - (h) Violation of 0100-03-.14(9) relative to the sale of “lugs” or pre-sacking of liquor.
- (3) Selling alcoholic beverages on credit contrary to T.C.A. § 57-3-404(g) or purchasing alcoholic beverages in combination with other retailers contrary to Rule 0100-03-.16 may result in the imposition of a fine from a minimum of three hundred dollars (\$300.00) to a maximum of seven hundred and fifty dollars (\$750.00).
- (4) Selling alcoholic beverages at wholesale contrary to T.C.A. § 57-3-404, operating another business in conjunction with a liquor store contrary to T.C.A. § 57-3-404, or selling alcoholic beverages to a person known to be a minor contrary to T.C.A. § 57-3-406 will result in a fine of seven hundred and fifty dollars.
- (5) Any other violations of law or rule which are not specifically listed above may result in a fine from a minimum of one hundred dollars (\$100.00) to a maximum of seven hundred and fifty dollars (\$750.00).

**Authority:** T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 29, 1982; effective January 10, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.05 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY WHOLESALERS LICENSED PURSUANT TO T.C.A. § 57-3-203.**

- (1) The following violations by a licensed wholesaler may result in a fine from a minimum of two hundred dollars (\$200.00) to the maximum statutorily allowed:

(Rule 0100-05-.05, continued)

- (a) Giving to any retailer or his employee anything of value as prohibited by Rule 0100-03-.11.
  - (b) Selling alcoholic beverages on consignment or upon condition contrary to Rule 0100-03-.15(2)(a).
  - (c) Accepting the return of alcoholic beverages where the return is not authorized by law or rule contrary to Rule 0100-03-.15.
  - (d) Delivery of alcoholic beverages in improper vehicles contrary to Rule 0100-03-.10(2).
  - (e) Failure to see that persons dispensing alcoholic beverages in the licensee's place of business have employee permits and that the permits are on the employee or the licensee's premises as required by the T.C.A. § 57-3-203.
- (2) The following violations may result in a fine from a minimum of one thousand dollars (\$1,000.00) to the maximum statutorily allowed:
- (a) Selling alcoholic beverages to a licensee in a "no buy" status contrary to Rule 0100-03-.17(6).
  - (b) Delivering alcoholic beverages to an unauthorized location contrary to Rule 0100-03-.10.
  - (c) Violations of rule 0100-03-.18 prohibiting dual interests.
  - (d) Purchasing alcoholic beverages from other than an appropriately licensed source contrary to T.C.A. § 57-03-404(a).
- (3) Failure to obtain proper representative or salesman permits and to see that such permits are kept on the person of such employee or upon the premises of such licensee at all times may result in a fine from a minimum of four hundred dollars (\$400.00) to the maximum statutorily allowed.
- (4) Employing individuals who are underage may result in a fine from a minimum of five hundred dollars (\$500.00) to the maximum statutorily allowed.
- (5) All other violations of statute or rule may result in a fine from a minimum of one hundred dollars (\$100.00) to the maximum statutorily allowed.

**Authority:** T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1982; effective January 10, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.06 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY MANUFACTURERS LICENSED UNDER T.C.A. § 57-3-202 OR CHAPTER 2 OF TITLE 57 OF THE CODE.**

- (1) Any violation of law or regulation by a manufacturer or distiller may result in a fine ranging from a minimum of one hundred dollars (\$100.00) to the maximum statutorily allowed.

**Authority:** T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1982; effective January 10, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

**0100-05-.07 RESPONSIBLE VENDOR.**

- (1) The fines established in this Chapter 5 may be mitigated and the maximum fine may be one half of the amounts specified therein where the licensee or permittee can establish the following:
  - (a) The licensee or permittee holds a valid license or permit pursuant to T.C.A. §§ 57-3-202, 203, 204, 207 or 57-4-101.
  - (b) The licensee or permittee has a written policy requiring all employees to complete a course in alcohol awareness which course includes training on the laws and regulations of the Commission, methods of recognizing and dealing with underage customers.
  - (c) The licensee or permittee has a written policy requiring periodic refresher training as noted above for all employees involved in the sale, purchase or distribution of alcoholic beverages no less frequently than every twelve (12) months and can prove that the periodic refresher training has been conducted.
  - (d) The licensee or permittee conducts periodic meetings with its staff and employees involved in the sale and distribution of alcoholic beverages to review Tennessee statutes and the rules and regulations of the Commission. Licensee or permittee must be able to prove that periodic meetings have been where the review has occurred
- (2) The mitigation provided under Section (1) above shall be available to a licensee or permittee no more frequently than once per year.
- (3) Any licensee or permittee seeking to apply this mitigation program must retain employment and responsible contemporaneous training records adequate to demonstrate compliance with this part.

**Authority:** T.C.A. §§ 57-1-201 and 57-1-209. **Administrative History:** Original rule filed March 10, 2010; effective June 8, 2010.