

INSTATE - SOLICITOR LICENSE TO SELL TO LICENSED WHOLESALERS

Solicitor License – Section 311.180

1. **Completed application form** filled out in black ink or typed, signed by the applicant(s) or managing officer and notarized.
2. **Bank Draft, Money Order, Certified Check or Cashier's check** made payable to the Director of Revenue, State of Missouri, for the correct amount of pro-rated license fee:

Intoxicating liquor of all kinds, LS - \$250.00
22% of alcohol by weight (includes 5% beer), 22S - \$100.00
5% of alcohol by weight, 5S - \$50.00
3. Copy of **Federal Basic Permit**.
4. **Tax bond** properly executed by bonding company, signed by the applicant(s) or managing officer.
5. Submission of **Criminal Record Check** issued by the Missouri State Highway Patrol Criminal Records Division dated within 6 months of the date of the application for applicant(s) or for the managing officer, each officer, each director, and each shareholder, member or person owning, legally or beneficially, directly or indirectly, ten percent or more of the stock or interest in the business of the applicant.
6. Copy of **Missouri Retail Sales Tax license** in the name of the applicant, partners, or Corporation or Organization with the correct address of the business to be licensed (only necessary if the Solicitor plans to sell merchandise/items to consumers).
7. **Statement of No Sales/Use Tax Due** from Missouri Department of Revenue, Business Tax Bureau, 3rd Floor, 301 W. High Street, Jefferson City, MO 65102.
8. Copy of **city license or letter of approval** from the City for premises to be licensed in an incorporated area.
9. Copy of **lease, rental agreement or contract of sale, or copy of warranty deed** for premises to be licensed (must be in the name of person, persons or entity applying for the license).
10. Corporations and LLC's must provide a copy of **Certificate of Good Standing** from the Missouri Secretary of State within the preceding 90 days. (Information available at www.sos.mo.gov.)
11. **PRIMARY AMERICAN SOURCE OF SUPPLY** – Section 311.275, RSMo, requires all products to be registered with the state of Missouri prior to offering them for sale in Missouri. The ATC Online System is in a web based environment allowing all brand labels to be registered electronically.

Licensed solicitors of liquor, beer or wine desiring to solicit and sell said products to licensed retailers must also obtain an appropriate wholesale-solicitor license and comply with Missouri liquor laws and regulations with regard thereto, with license fees:

Liquor wholesale-solicitor (all kinds), LWS - \$500.00

22% wholesale-solicitor (includes 5% beer), 22WS - \$200.00

5% wholesale-solicitor, 5WS - \$100.00

Licensed solicitors may only solicit orders and sell alcoholic beverages to licensed wholesalers.

"Primary American Source of Supply" means the manufacturer, bottler or owner of the brand at the time it became a marketable product or the exclusive agent of the above (cannot be both).

Applicable Statutes

Manufacturers, wholesalers, solicitors--license fees--wholesalers, sale to gaming commission licensees, allowed.

Section 311.180 (4) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of fifty dollars; **5S - \$50**

(5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars; **22S - \$100**

(6) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of two hundred and fifty dollars; **LS - \$250**

(RSMo 1939 § 4898, A.L. 1945 p. 1043, A.L. 1985 H.B. 369, A.L. 1994 S.B. 651, A.L. 1995 S.B. 43, A.L. 2007 S.B. 299 & S.B. 616)

Wholesale-solicitors registration required--primary American source of supply, defined--vintage wine registration.

311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the holder of such solicitor's license has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of alcohol and tobacco control shall provide forms for annual registration as the

primary American source of supply, and shall prescribe the procedures for such registration.

2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received.

3. The term "primary American source of supply" as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers.

4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

(L. 1979 H.B. 701, A.L. 2007 S.B. 299 & S.B. 616)