

ASSEMBLY BILL NO. 669—COMMITTEE ON WAYS AND MEANS

MAY 26, 2001

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing liquor. (BDR 32-1550)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to liquor; authorizing a transfer of liquor between certain affiliated retailers; providing for the enforcement of the provisions of chapter 369 of NRS; making an appropriation; providing a civil penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 369 of NRS is hereby amended by adding thereto a
- 2 new section to read as follows:
- 3 *1. A retail liquor store that holds a nonrestricted license may transfer*
- 4 *an original package of liquor to another retail liquor store that holds a*
- 5 *nonrestricted license, and that other retail liquor store may receive the*
- 6 *original package of liquor pursuant to the transfer, if:*
- 7 *(a) Each retail liquor store holds its nonrestricted license for the*
- 8 *purposes set forth in subsection 2 of NRS 463.0177;*
- 9 *(b) The initial retail liquor store:*
- 10 *(1) Obtained the original package of liquor in compliance with the*
- 11 *provisions of this chapter;*
- 12 *(2) Is an affiliate of the retail liquor store that receives the transfer;*
- 13 *and*
- 14 *(3) Does not charge the retail liquor store that receives the transfer*
- 15 *for the original package of liquor;*
- 16 *(c) Immediately before the transfer, the original package of liquor is*
- 17 *located at the initial retail liquor store; and*
- 18 *(d) Pursuant to the transfer, the original package of liquor is*
- 19 *transported from the initial retail liquor store to the other retail liquor*
- 20 *store.*
- 21 *2. A transfer authorized by this section shall not be deemed a sale.*



1     3. *A retail liquor store that transfers or receives an original package*  
2 *of liquor as authorized by this section:*

3     (a) *Shall not be deemed to be engaged in business as a wholesale*  
4 *dealer based upon the transfer authorized by this section.*

5     (b) *Notwithstanding the provisions of subsection 5 of NRS 369.450,*  
6 *may transport the original package of liquor from the initial retail liquor*  
7 *store to the other retail liquor store without a special permit for such*  
8 *transportation.*

9     4. *As used in this section:*

10    (a) *"Affiliate" has the meaning ascribed to it in NRS 463.0133.*

11    (b) *"Nonrestricted license" has the meaning ascribed to it in NRS*  
12 *463.0177.*

13    **Sec. 2.** NRS 369.150 is hereby amended to read as follows:

14    369.150   1. The department is charged with the duty of administering  
15 the provisions of this chapter.

16    2. The department shall:

17    (a) Prescribe and cause to be printed and issued free of charge all forms  
18 for applications and reports.

19    (b) Except as otherwise provided in NRS 369.430, issue free of charge  
20 all certificates and permits.

21    (c) Adopt and enforce all rules, regulations and standards necessary or  
22 convenient to carry out *and enforce* the provisions of this chapter.

23    (d) Adopt regulations to carry out the provisions of NRS 369.462 to  
24 369.468, inclusive, 369.486 and 369.488.

25    **Sec. 3.** NRS 369.487 is hereby amended to read as follows:

26    369.487   Except as otherwise provided in NRS 597.240, *and section 1*  
27 *of this act*, no retailer or retail liquor dealer may purchase any liquor from  
28 other than a state-licensed wholesaler.

29    **Sec. 4.** NRS 369.488 is hereby amended to read as follows:

30    369.488   1. ~~1A~~ *Except as otherwise provided in section 1 of this act,*  
31 *a* retailer may purchase liquor only from:

32    (a) The importer designated by the supplier pursuant to NRS 369.386 to  
33 import that liquor if that importer is also a wholesaler; or

34    (b) A wholesaler who purchased liquor from the importer designated by  
35 the supplier pursuant to NRS 369.386 to import that liquor.

36    2. As used in this section, "supplier" means the brewer, distiller,  
37 manufacturer, producer, vintner or bottler of liquor.

38    **Sec. 5.** NRS 369.540 is hereby amended to read as follows:

39    369.540   1. *The department shall enforce the provisions of this*  
40 *chapter.*

41    2. Sheriffs, within their counties, and all other police officers of the  
42 State of Nevada are charged with the duty of assisting in the enforcement  
43 of this chapter without further compensation.

44    **Sec. 6.** NRS 369.550 is hereby amended to read as follows:

45    369.550   1. Except as otherwise expressly provided in this chapter,  
46 any person violating any of the provisions of this chapter or knowingly  
47 violating any ~~lawful~~ regulation of the department made for the  
48 enforcement of ~~its~~ *the* provisions *of this chapter* shall be punished, upon  
49 conviction thereof, as for a misdemeanor.



\* A B 6 6 9 \*

1     2. *Any person violating any of the provisions of this chapter or*  
2     *knowingly violating any regulation of the department made for the*  
3     *enforcement of the provisions of this chapter is liable to the department*  
4     *for a civil penalty of not more than \$1,000 for each violation. The civil*  
5     *penalty prescribed in this subsection is in addition to any criminal*  
6     *penalty or other remedy or penalty available for the same conduct.*  
7     **Sec. 7.** NRS 597.220 is hereby amended to read as follows:  
8     597.220   **1.** Any person who is engaged in the business of importing  
9     or wholesaling alcoholic beverages in the State of Nevada shall not engage  
10    in the business of retailing alcoholic beverages in this state.  
11    **2.** *For the purposes of this section, a person who transfers or*  
12    *receives alcoholic beverages in the manner described in section 1 of this*  
13    *act must not be considered to be engaged in the business of wholesaling*  
14    *alcoholic beverages based solely upon those transfers.*  
15    **Sec. 8.**   1. There is hereby appropriated from the state general fund  
16    to the department of taxation to monitor compliance with chapter 369 of  
17    NRS:  
18       For the fiscal year 2001-2002..... \$10,000  
19       For the fiscal year 2002-2003..... \$10,000  
20    2. Any balance of the sums appropriated by subsection 1 remaining at  
21    the end of the respective fiscal years must not be committed for  
22    expenditure after June 30 of the respective fiscal years and reverts to the  
23    state general fund as soon as all payments of money committed have been  
24    made.  
25    **Sec. 9.** The provisions of this act do not apply to conduct that  
26    occurred before the effective date of this act.  
27    **Sec. 10.** This act becomes effective upon passage and approval.

