

SENATE BILL NO. 457—COMMITTEE ON JUDICIARY

MARCH 29, 2005

Referred to Committee on Taxation

SUMMARY—Revises provisions governing storage and transfer of liquor between retail liquor stores. (BDR 32-1408)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to intoxicating liquor; revising provisions governing the storage and transfer of liquor between retail liquor stores; 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.** NRS 369.090 is hereby amended to read as follows:
2 369.090 As used in this chapter, “retail liquor store” means an
3 establishment where beers, wines and liquors, in original packages
4 or by the drink, are sold to a consumer. *The term includes:*
5 1. *An establishment that holds a nonrestricted license for the*
6 *purpose set forth in subsection 2 of NRS 463.0177; and*
7 2. *A facility that is owned or operated by a retailer who holds*
8 *a license or permit issued by the Department pursuant to NRS*
9 *369.490 and is used for the temporary storage and transfer of*
10 *liquor pursuant to NRS 369.4865.*
11 **Sec. 2.** NRS 369.4865 is hereby amended to read as follows:
12 369.4865 1. Except as otherwise provided in subsection 2, a
13 retail liquor store that holds a nonrestricted license may *receive and*
14 *store liquor and* transfer an original package of liquor to another
15 retail liquor store, ~~[that holds a nonrestricted license,]~~ and that other
16 retail liquor store may receive the original package of liquor
17 pursuant to the transfer, if:



- 1 (a) Each retail liquor store:
 - 2 (1) Holds its nonrestricted license for the purposes set forth
 - 3 in subsection 2 of NRS 463.0177 ~~;~~ ~~and~~
 - 4 ~~—(2) Is~~ in the marketing area of the wholesale dealer from
 - 5 which the original package of liquor was obtained by the initial
 - 6 retail liquor store; ~~or~~
 - 7 *(2) Makes such a transfer pursuant to a written*
 - 8 *authorization from the wholesale dealer in each marketing area*
 - 9 *where the initial retail liquor store and the retail liquor store that*
 - 10 *receives the transfer are located if those retail liquor stores are*
 - 11 *located in different marketing areas;*
- 12 (b) The initial retail liquor store:
 - 13 (1) Obtained the original package of liquor in compliance
 - 14 with the provisions of this chapter;
 - 15 (2) Is an affiliate of the retail liquor store that receives the
 - 16 transfer; and
 - 17 (3) Does not charge the retail liquor store that receives the
 - 18 transfer for the original package of liquor;
- 19 (c) Immediately before the transfer, the original package of
- 20 liquor is located at the initial retail liquor store; and
- 21 (d) Pursuant to the transfer, the original package of liquor is
- 22 transported from the initial retail liquor store to the other retail
- 23 liquor store.
- 24 2. A retail liquor store that holds a nonrestricted license may
- 25 transfer an original package of beer to another retail liquor store that
- 26 holds a nonrestricted license, and that other retail liquor store may
- 27 receive the original package of beer pursuant to the transfer, if the
- 28 wholesale dealer of the beer authorizes, in writing, the nonrestricted
- 29 licensee to make such a transfer.
- 30 3. A transfer authorized by this section shall not be deemed a
- 31 sale.
- 32 4. A retail liquor store that transfers or receives an original
- 33 package of liquor as authorized by this section:
 - 34 (a) Shall not be deemed to be engaged in business as a
 - 35 wholesale dealer based upon the transfer authorized by this section.
 - 36 (b) Notwithstanding the provisions of subsection 4 of NRS
 - 37 369.450, may transport the original package of liquor from the
 - 38 initial retail liquor store to the other retail liquor store without a
 - 39 special permit for such transportation.
- 40 5. As used in this section:
 - 41 (a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.
 - 42 (b) "Marketing area" has the meaning ascribed to it in
 - 43 NRS 597.136.
 - 44 (c) "Nonrestricted license" has the meaning ascribed to it in
 - 45 NRS 463.0177.



1 **Sec. 3.** This act becomes effective upon passage and approval.



