

SENATE BILL NO. 373—SENATOR SCHNEIDER

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing importation of liquor. (BDR 32-858)

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 certain provisions governing the importation of liquor; 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 369.450 is hereby amended to read as follows:
- 2     369.450 1. ~~{The Department shall make regulations and~~
- 3     ~~provide forms for distribution free of charge to all persons qualified~~
- 4     ~~as importers of liquor, to be filled out by exporters and carriers of~~
- 5     ~~liquor consigned to points in this state as evidence for consideration~~
- 6     ~~respecting the legality of such transactions.~~
- 7     ~~—2.} Every common carrier by special permit shall {have with~~
- 8     ~~his or its agent or servant in immediate charge, or in the records of~~
- 9     ~~the carrier, of every shipment of liquor into this state,} *make*~~
- 10    ~~available to the Department~~ a statement or freight bill *for every*
- 11    ~~shipment of liquor into this state,~~ showing:
- 12    (a) The names of *the* consignor, consignee and carrier ~~{}~~ *of the*
- 13    ~~shipment;~~
- 14    (b) The date when and place where the shipment was received
- 15    ~~{}~~; *and*
- 16    (c) The destination ~~{}~~
- 17    ~~—(d) The number identifying the railroad car, truck or other~~
- 18    ~~conveyance used.~~



1 ~~—(e) The quantity and kind of liquor in the shipment, as the case~~  
2 ~~may be, according to the designation of kind and quantity of liquor~~  
3 ~~appearing on the statement or freight bill.~~

4 ~~—3.] of the shipment.~~

5 2. The Department may ~~[make rules requiring the]~~ *adopt*  
6 *regulations requiring:*

7 (a) *The* carrier to cause the consignee to sign a statement or a  
8 postcard, which ~~[statement or postcard shall]~~ *must* be furnished by  
9 the Department to the carrier without expense, for *the* receipt of  
10 each such shipment before the carrier permits the consignee to  
11 remove ~~[any such]~~ *the* shipment from the point of destination or  
12 possession of the carrier ~~[, and to cause the carrier]~~; *and*

13 (b) *The consignor, upon the receipt of any such statement or*  
14 *postcard after it has been signed by the consignee,* to forward  
15 ~~[such]~~ *the* statement or postcard to the Department . ~~[after having~~  
16 ~~been so signed by the consignee.~~

17 ~~—4.] 3.~~ No liquor ~~[shall]~~ *may* be imported into this state except  
18 by common carrier, contract carrier regularly operating as such, or a  
19 carrier having a special permit ~~[so to do in the case of each~~  
20 ~~shipment.~~

21 ~~5.] to do so.~~

22 4. By special permit, the Department may authorize the  
23 transportation of liquor within this state by means of a conveyance  
24 owned and operated by a licensed importer, or a conveyance owned  
25 and operated by another, not being a common carrier or a regularly  
26 operating contract carrier. As a condition of such permit the  
27 Department may require that a sign be carried on such conveyance  
28 in letters at least 3 inches high, stating that ~~[such]~~ *the* conveyance  
29 is carrying wholesale liquor by special permit. Such carriers by special  
30 permit ~~[shall be governed by]~~ *are subject to* the same rules  
31 respecting reports and deliveries of import liquors as ~~[in the case of]~~  
32 *are* common carriers and regularly operating contract carriers.

33 **Sec. 2.** NRS 369.4865 is hereby amended to read as follows:

34 369.4865 1. A retail liquor store that holds a nonrestricted  
35 license may transfer an original package of liquor to another retail  
36 liquor store that holds a nonrestricted license, and that other retail  
37 liquor store may receive the original package of liquor pursuant to  
38 the transfer, if:

39 (a) Each retail liquor store:

40 (1) Holds its nonrestricted license for the purposes set forth  
41 in subsection 2 of NRS 463.0177; and

42 (2) Is in the marketing area of the wholesale dealer from  
43 which the original package of liquor was obtained by the initial  
44 retail liquor store;

45 (b) The initial retail liquor store:



- 1 (1) Obtained the original package of liquor in compliance  
2 with the provisions of this chapter;  
3 (2) Is an affiliate of the retail liquor store that receives the  
4 transfer; and  
5 (3) Does not charge the retail liquor store that receives the  
6 transfer for the original package of liquor;  
7 (c) Immediately before the transfer, the original package of  
8 liquor is located at the initial retail liquor store; and  
9 (d) Pursuant to the transfer, the original package of liquor is  
10 transported from the initial retail liquor store to the other retail  
11 liquor store.
- 12 2. A transfer authorized by this section shall not be deemed a  
13 sale.
- 14 3. A retail liquor store that transfers or receives an original  
15 package of liquor as authorized by this section:  
16 (a) Shall not be deemed to be engaged in business as a  
17 wholesale dealer based upon the transfer authorized by this section.  
18 (b) Notwithstanding the provisions of subsection ~~5~~ 4 of NRS  
19 369.450, may transport the original package of liquor from the  
20 initial retail liquor store to the other retail liquor store without a  
21 special permit for such transportation.
- 22 4. As used in this section:  
23 (a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.  
24 (b) "Liquor" does not include beer.  
25 (c) "Marketing area" has the meaning ascribed to it in  
26 NRS 597.136.  
27 (d) "Nonrestricted license" has the meaning ascribed to it in  
28 NRS 463.0177.

