

SENATE BILL NO. 373—SENATOR SCHNEIDER

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing importation of liquor by common or contract carrier. (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 by a common or contract carrier; 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,}~~ *and every*  
10    *regularly operating contract carrier shall make available to the*  
11    *Department a statement or freight bill for every shipment of liquor*  
12    *into this state,* showing:  
13    (a) The names of *the* consignor, consignee and carrier ~~{}~~ *of the*  
14    *shipment;*  
15    (b) The date when and place where the shipment was received  
16    ~~{}~~; *and*  
17    (c) The destination ~~{}~~



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1 ~~—(d) The number identifying the railroad car, truck or other~~  
2 ~~conveyance used.~~  
3 ~~—(e) The quantity and kind of liquor in the shipment, as the case~~  
4 ~~may be, according to the designation of kind and quantity of liquor~~  
5 ~~appearing on the statement or freight bill.~~  
6 ~~—3.] of the shipment.~~  
7 2. The Department may ~~[make rules requiring the carrier to~~  
8 ~~cause the consignee to sign a statement or a postcard, which~~  
9 ~~statement or postcard shall be furnished by the Department to the~~  
10 ~~carrier without expense.] adopt regulations requiring:~~  
11 (a) *The carrier to:*  
12 (1) *Cause a person who is at least 21 years of age to sign*  
13 *for the receipt of each such shipment by the consignee, and to sign*  
14 *a document confirming the delivery of the shipment to the*  
15 *consignee, before the carrier permits the consignee to remove [any*  
16 *such] the shipment from the point of destination or possession of the*  
17 *carrier [, and to cause the carrier to forward such statement or*  
18 *postcard to the Department after having been so signed by the*  
19 *consignee.*  
20 ~~—4.] ; and~~  
21 (2) *Forward to the consignor the signed document*  
22 *confirming the delivery of the shipment to the consignee; and*  
23 (b) *The consignor to forward to the Department the signed*  
24 *document confirming the delivery of the shipment to the*  
25 *consignee.*  
26 3. No liquor ~~[shall]~~ *may* be imported into this state except by a  
27 common carrier, *a regularly operating* contract carrier ~~[regularly~~  
28 ~~operating as such,]~~ or a carrier having a special permit ~~[so to do in~~  
29 ~~the case of each shipment.~~  
30 ~~5.] to do so.~~  
31 4. By special permit, the Department may authorize the  
32 transportation of liquor within this state by means of a conveyance  
33 owned and operated by a licensed importer, or a conveyance owned  
34 and operated by another, not being a common carrier or a regularly  
35 operating contract carrier. As a condition of such permit the  
36 Department may require that a sign be carried on such conveyance  
37 in letters at least 3 inches high, stating that ~~[such]~~ *the* conveyance is  
38 carrying wholesale liquor by special permit. Such carriers by special  
39 permit ~~[shall be governed by]~~ *are subject to* the same rules  
40 respecting reports and deliveries of import liquors as ~~[in the case of]~~  
41 *are* common carriers and regularly operating contract carriers.  
42 5. *As used in this section:*  
43 (a) *“Common carrier” means a person who undertakes for*  
44 *hire, as a regular business, the transportation of liquor from place*



1 *to place, and who offers its services to all who choose to employ it*  
2 *and to pay its charges therefor.*

3 *(b) "Regularly operating contract carrier" means a person*  
4 *who, as a regular business, transports liquor from place to place*  
5 *pursuant to continuing contractual obligations.*

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

7 369.4865 1. A retail liquor store that holds a nonrestricted  
8 license may transfer an original package of liquor to another retail  
9 liquor store that holds a nonrestricted license, and that other retail  
10 liquor store may receive the original package of liquor pursuant to  
11 the transfer, if:

12 (a) Each retail liquor store:

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

15 (2) Is in the marketing area of the wholesale dealer from  
16 which the original package of liquor was obtained by the initial  
17 retail liquor store;

18 (b) The initial retail liquor store:

19 (1) Obtained the original package of liquor in compliance  
20 with the provisions of this chapter;

21 (2) Is an affiliate of the retail liquor store that receives the  
22 transfer; and

23 (3) Does not charge the retail liquor store that receives the  
24 transfer for the original package of liquor;

25 (c) Immediately before the transfer, the original package of  
26 liquor is located at the initial retail liquor store; and

27 (d) Pursuant to the transfer, the original package of liquor is  
28 transported from the initial retail liquor store to the other retail  
29 liquor store.

30 2. A transfer authorized by this section shall not be deemed a  
31 sale.

32 3. 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 ~~5~~ 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 4. As used in this section:

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

42 (b) "Liquor" does not include beer.

43 (c) "Marketing area" has the meaning ascribed to it in  
44 NRS 597.136.



1 (d) "Nonrestricted license" has the meaning ascribed to it in  
2 NRS 463.0177.

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