

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 230

Introduced by Karpisek, 32.

Read first time January 15, 2013

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-123.15, Revised Statutes Cumulative
3 Supplement, 2012; to change provisions relating to
4 shipping licenses; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-123.15, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 53-123.15 (1) No person shall order or receive alcoholic
4 liquor in this state which has been shipped directly to him or her
5 from outside this state by any person other than a holder of a
6 shipping license issued by the commission, except that a licensed
7 wholesaler may receive not more than three gallons of wine in any
8 calendar year from any person who is not a holder of a shipping
9 license.

10 (2) The commission may issue a shipping license to a
11 manufacturer. Such license shall allow the licensee to ship alcoholic
12 liquor only to a licensed wholesaler, except that a licensed
13 wholesaler may, without a shipping license and for the purposes of
14 subdivision (2) of section 53-161, receive beer in this state which
15 has been shipped from outside the state by a manufacturer in
16 accordance with the Nebraska Liquor Control Act to the wholesaler,
17 then transported by the wholesaler to another state for retail
18 distribution, and then returned by the retailer to such wholesaler. A
19 person who receives a license pursuant to this subsection shall pay
20 the fee required in sections 53-124 and 53-124.01 for a
21 manufacturer's shipping license. Such fee shall be collected by the
22 commission and be remitted to the State Treasurer for credit to the
23 General Fund.

24 (3) The commission may issue a shipping license to any
25 person who deals with vintage wines, which shipping license shall

1 allow the licensee to distribute such wines to a licensed wholesaler
2 in the state. For purposes of distributing vintage wines, a licensed
3 shipper must utilize a designated wholesaler if the manufacturer has
4 a designated wholesaler. For purposes of this section, vintage wine
5 shall mean a wine verified to be ten years of age or older and not
6 available from a primary American source of supply. A person who
7 receives a license pursuant to this subsection shall pay the fee
8 required in sections 53-124 and 53-124.01 for a vintage wine dealer's
9 shipping license. Such fee shall be collected by the commission and
10 be remitted to the State Treasurer for credit to the General Fund.

11 (4) The commission may issue a shipping license to any
12 ~~person-manufacturer~~ who sells and ships alcoholic liquor from another
13 state directly to a consumer in this state or to an exclusive
14 importer who is the agent for a winery that produces two hundred
15 fifty thousand gallons or less of wine annually and who sells and
16 ships wine from the winery in another state directly to a consumer in
17 this state. Such a winery may only have one such agent with a
18 shipping license under this subsection. An exclusive importer may be
19 the agent for one or more of such wineries under the shipping
20 license. A ~~person-manufacturer~~ or exclusive importer who receives a
21 license pursuant to this subsection shall pay the fee required in
22 sections 53-124 and 53-124.01 for a direct sales shipping license.
23 Such fee shall be collected by the commission and remitted to the
24 State Treasurer for credit to the Winery and Grape Producers
25 Promotional Fund.

1 (5) The application for a shipping license shall be in
2 such form as the commission prescribes. The application shall contain
3 all provisions the commission deems proper and necessary to
4 effectuate the purpose of any section of the act and the rules and
5 regulations of the commission that apply to manufacturers and shall
6 include, but not be limited to, provisions that the applicant, in
7 consideration of the issuance of such shipping license, agrees:

8 (a) To comply with and be bound by section 53-164.01 in
9 making and filing reports, paying taxes, penalties, and interest, and
10 keeping records;

11 (b) To permit and be subject to all of the powers granted
12 by section 53-164.01 to the commission or its duly authorized
13 employees or agents for inspection and examination of the applicant's
14 premises and records and to pay the actual expenses, excluding
15 salary, reasonably attributable to such inspections and examinations
16 made by duly authorized employees of the commission if within the
17 United States; and

18 (c) That if the applicant violates any of the provisions
19 of the application or the license, any section of the act, or any of
20 the rules and regulations of the commission that apply to
21 manufacturers, the commission may revoke or suspend such shipping
22 license for such period of time as it may determine.

23 Sec. 2. Original section 53-123.15, Revised Statutes
24 Cumulative Supplement, 2012, is repealed.