

Assembly Bill No. 200–Assemblymen Smith, Bobzien, Horne, Conklin; Atkinson, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca and Ocegüera

CHAPTER.....

AN ACT relating to intoxicating liquor; authorizing a brew pub to obtain a special permit for the transportation of certain malt beverages donated by the brew pub for charitable or nonprofit purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the regulation and taxation of intoxicating liquor in this State by the Department of Taxation. (Chapter 369 of NRS) Generally, the transportation of all liquor into or within Nevada must be performed by an authorized carrier. This includes a common carrier, a regularly operating contract carrier or a carrier having a special permit issued by the Department. A shipment of liquor that is transported into or within Nevada by an unauthorized carrier is subject to confiscation, sale at auction, destruction or disposal. (NRS 369.450, 369.460) The Department may issue a special permit authorizing the transportation of liquor within Nevada by means of a conveyance that is owned and operated by a licensed importer or another who is not a common carrier or a regularly operating contract carrier. (NRS 369.450) Existing law also provides for the licensing and operation of brew pubs in this State. (NRS 369.180, 597.230) **Section 2** of this bill authorizes a brew pub to obtain a special permit for the transportation of malt beverages which are manufactured on the premises of the brew pub and which the brew pub is donating for charitable or nonprofit purposes, while **section 1** of this bill specifies that a special permit may be issued for the transportation of liquor within Nevada that a conveyance which is owned and operated by the permittee.

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

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

- Section 1.** NRS 369.450 is hereby amended to read as follows:
- 369.450 1. Every common carrier and every regularly operating contract carrier shall make available to the Department a statement or freight bill for every shipment of liquor into this State, showing:
- (a) The names of the consignor, consignee and carrier of the shipment;
 - (b) The date when and place where the shipment was received;
- and
- (c) The destination of the shipment.
2. The Department may adopt regulations requiring:
- (a) The carrier to:



(1) Cause a person who is at least 21 years of age to sign for the receipt of each such shipment by the consignee, and to sign a document confirming the delivery of the shipment to the consignee, before the carrier permits the consignee to remove the shipment from the point of destination or possession of the carrier; and

(2) Forward to the consignor the signed document confirming the delivery of the shipment to the consignee; and

(b) The consignor to forward to the Department the signed document confirming the delivery of the shipment to the consignee.

3. No liquor may be imported into this State except by a common carrier, a regularly operating contract carrier or a carrier having a special permit to do so.

4. By special permit, the Department may authorize the transportation of liquor within this State by means of a conveyance owned and operated by a licensed importer, or a conveyance owned and operated by *the permittee or* another, not being a common carrier or a regularly operating contract carrier. As a condition of ~~such~~ *the* permit, the Department may require that a sign be carried on ~~such~~ *the* conveyance, in letters at least 3 inches high, stating that the conveyance is carrying wholesale liquor by special permit. Such carriers by special permit are subject to the same rules respecting reports and deliveries of import liquors as are common carriers and regularly operating contract carriers.

5. As used in this section:

(a) "Common carrier" means a person who undertakes for hire, as a regular business, the transportation of liquor from place to place, and who offers its services to all who choose to employ it and to pay its charges therefor.

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

Sec. 2. NRS 597.230 is hereby amended to read as follows:

597.230 1. In a county whose population is 400,000 or more, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in



any area in the city designated by the governing body of that city for the operation of brew pubs.

↳ A person who operates one or more brew pubs may not manufacture more than 15,000 barrels of malt beverages for all the brew pubs he or she operates in that county in any calendar year.

2. In a county whose population is less than 400,000, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

↳ A person who operates one or more brew pubs may not manufacture more than 5,000 barrels of malt beverages for all brew pubs he or she operates in that county in any calendar year.

3. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

4. A person who operates a brew pub pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of the brew pub and ~~sell~~:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Sell at retail malt beverages manufactured on or off the premises of the brew pub for consumption on the premises.

(c) Sell at retail in packages sealed on the premises of the brew pub, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.



Sec. 3. This act becomes effective on July 1, 2011.

