

§2073-B. In-state transportation of spirits

1. Prohibition. Except as provided in subsection 2, section 1201-A or section 2073-E, a person may not transport more than 4 liters of spirits within the State unless the spirits were legally purchased from:

A. An agency liquor store; or [PL 2021, c. 658, §268 (NEW).]

B. An in-state manufacturer authorized under section 1355-A to sell spirits for off-premises consumption. [PL 2021, c. 658, §268 (NEW).]

[PL 2021, c. 658, §268 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport spirits within the State in the following circumstances.

A. An individual may transport spirits within the State in accordance with a permit issued under section 2073-A, subsection 2, paragraph B. [RR 2021, c. 2, Pt. A, §102 (COR).]

B. A person may transport spirits the person transported into the State pursuant to section 2073-A, subsection 2, paragraph C to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine; or

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor. [PL 2021, c. 658, §268 (NEW).]

C. A licensed in-state manufacturer of spirits may transport spirits produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport spirits produced by the manufacturer to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine;

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor;

(5) Any location to which the licensed in-state manufacturer of spirits is authorized to transport its own products under section 1355-A; or

(6) The state line for transportation outside the State. [PL 2021, c. 658, §268 (NEW).]

D. The wholesale spirits provider may transport spirits between warehouses designated by the commission under section 81 or to agency liquor stores as provided in section 503. [PL 2021, c. 658, §268 (NEW).]

E. A reselling agent may transport spirits to on-premises retail licensees as provided in section 459. [PL 2021, c. 658, §268 (NEW).]

Each shipment of spirits transported within the State in accordance with paragraph B, C, D or E must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the spirits.

[RR 2021, c. 2, Pt. A, §102 (COR).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports within the State a quantity of less than 40 liters of spirits in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §268 (NEW).]

B. A person that transports within the State a quantity of 40 or more liters of spirits in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §268 (NEW).]
[PL 2021, c. 658, §268 (NEW).]

4. Evidence. The possession of more than 8 liters of spirits in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section. [PL 2021, c. 658, §268 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order spirits transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §268 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §268 (NEW).]
[PL 2021, c. 658, §268 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §268 (NEW). RR 2021, c. 2, Pt. A, §102 (COR).

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