

HOUSE BILL 394

IN THE HOUSE

January 24, 1979

Introduced and referred to
Committee on Business and
Industry.

1 *HOUSE* BILL NO. *394*
 2 INTRODUCED BY *League of Women Voters*
 3 *McMinn*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE MONTANA
 5 TABLE WINE RETAIL SALES ACT, INITIATIVE 81, TO REQUIRE WINE
 6 DISTRIBUTORS NOT BE INVOLVED IN THE DISTRIBUTION OF BEER;
 7 AMENDING SECTION 4 OF THE ACT."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 4 of the Montana Table Wine Retail
 11 Sales Act, Initiative 81, is amended to read:

12 Section 4. There is a new section in Title ~~4-Revenue~~
 13 ~~1947 16, MCA~~, that reads as follows:

14 Wine distributor's license -- records. (1) Any person
 15 desiring to sell and distribute table wine at wholesale to
 16 retailers under the provisions of this code shall apply to
 17 the department of revenue for a license to do so and shall
 18 tender with his application the annual license fee of \$400
 19 and the department may issue licenses to qualified
 20 applicants in accordance with the provisions of this code.
 21 All table wine distributors' licenses issued in any year
 22 shall expire on the 30th day of June at midnight of such
 23 year. No license fee may be imposed upon table wine
 24 distributors by a municipality or any other political
 25 subdivision of the state. The license shall be at all times

1 prominently displayed in the place of business of such table
 2 wine distributor.

3 To qualify for a table wine distributor's license the
 4 applicant shall be a resident of Montana; provided, however,
 5 any individual or partnership which has been licensed as a
 6 table wine distributor may, upon incorporation in accordance
 7 with the laws of Montana, transfer such license to the
 8 corporation if a majority of the capital stock thereof is
 9 held by said individual or the members of said partnership;
 10 or if applicant is a foreign corporation said corporation
 11 shall be authorized to do business in Montana; and said
 12 applicant shall have a fixed place of business, sufficient
 13 capital, the facilities, storehouse, receiving house or
 14 warehouse for the receiving of, storage, handling, and
 15 moving of table wine in large and jobbing quantities for
 16 distribution and sale in original packages to other licensed
 17 table wine distributors or licensed retailers. Each table
 18 wine distributor shall be entitled to only one (1) wholesale
 19 table wine license, which license shall be issued for his
 20 principal place of business in Montana; a duplicate license
 21 may be issued for one (1) subwarehouse only in Montana for
 22 each table wine distributor's license, which said duplicate
 23 license shall at all times be prominently displayed at said
 24 subwarehouse. A table wine distributor may ~~also~~ not hold a
 25 license to sell beer at wholesale but ~~and shall~~ may not hold

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1 or have any interest, direct or indirect, in any license to
2 sell beer, wine, or liquor at retail.

3 All table wine manufactured outside of the state of
4 Montana and shipped into Montana shall be consigned to and
5 shipped to a licensed table wine distributor, and by him
6 unloaded into his warehouse in Montana or subwarehouse in
7 Montana; said distributor shall distribute said table wine
8 from such warehouse or subwarehouse; said distributor shall
9 keep records at his principal place of business of all table
10 wine including the name or kind received, on hand, sold and
11 distributed; said records may at all times be inspected by
12 any member or representative of the department of revenue;
13 any table wine which has been shipped into Montana and has
14 not been shipped to and distributed from a warehouse of a
15 licensed table wine distributor shall be seized by any peace
16 officer or representative of the department and may be
17 confiscated in the manner as provided for the confiscation
18 of intoxicating liquor.

-End-