

§2073-D. In-state transportation of malt liquor, wine or low-alcohol spirits products

1. Prohibition. Except as provided in subsection 2 and section 2073-E, a person may not transport within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine and more than 4 liters of low-alcohol spirits products unless the malt liquor, wine or low-alcohol spirits products were legally purchased from:

- A. An off-premises retail licensee; [PL 2021, c. 658, §270 (NEW).]
- B. An in-state manufacturer authorized under section 1355-A to sell malt liquor, wine or low-alcohol spirits products for off-premises consumption; or [PL 2021, c. 658, §270 (NEW).]
- C. A direct shipper licensed under section 1403-A. [PL 2021, c. 658, §270 (NEW).]
[PL 2021, c. 658, §270 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products within the State in the following circumstances.

- A. An individual may transport within the State malt liquor, wine or low-alcohol spirits products in accordance with a permit issued under section 2073-C, subsection 2, paragraph B. [PL 2021, c. 658, §270 (NEW).]
- B. A person may transport malt liquor or wine the person transported into the State pursuant to section 2073-C, subsection 2, paragraph C. [PL 2021, c. 658, §270 (NEW).]
- C. A licensed in-state manufacturer of malt liquor, wine or low-alcohol spirits products may transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer to:
 - (1) A bottler or rectifier licensed under section 1355-A;
 - (2) A wholesale licensee;
 - (3) Any location to which the licensed in-state manufacturer is authorized to transport its own products under section 1355-A;
 - (4) A warehouse operated by the licensed in-state manufacturer; or
 - (5) The state line for transportation outside the State. [PL 2021, c. 658, §270 (NEW).]
- D. A wholesale licensee may transport malt liquor, wine or low-alcohol spirits products to an on-premises or off-premises retailer of malt liquor or wine in accordance with sections 713 and 1401. [PL 2021, c. 658, §270 (NEW).]

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

[PL 2021, c. 658, §270 (NEW).]

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

- A. A person that transports within the State less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products 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, §270 (NEW).]
- B. A person that transports within the State 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products 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, §270 (NEW).]
[PL 2021, c. 658, §270 (NEW).]

4. Evidence. The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products 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, §270 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products 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, §270 (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, §270 (NEW).]
[PL 2021, c. 658, §270 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §270 (NEW).

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