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Fifty-sixth
Legislative Assembly   **SENATE BILL NO. 2216**
of North Dakota

Introduced by

   Senators Thompson, T. Mathern

   Representatives Delmore, Rose, Thorpe, Stefonowicz

1   A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota

2   Century Code, relating to the shipment of alcoholic beverages; and to provide a penalty.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1.** A new section to chapter 5-01 of the North Dakota Century Code is

5   created and enacted as follows:

6   **Direct sale from out-of-state seller to consumer - Penalty.**

7   1.   No person in the business of selling alcoholic beverages may knowingly or

8   intentionally ship, or cause to be shipped, any alcoholic beverage from an

9   out-of-state location directly to a person in this state who is not a wholesaler.

10   2.   No person in the business of transporting goods may knowingly or intentionally

11   transport any alcoholic beverage, from an out-of-state location of a person in the

12   business of selling alcoholic beverages, directly to a person in this state who is not

13   a wholesaler.

14   3.   For a first violation of subsection 1, the state treasurer shall notify, by certified mail,

15   the violator and order that person to cease and desist any shipment of alcoholic

16   beverages in violation of subsection 1. The second and each subsequent violation

17   of subsection 1 is a class C felony.

18   4.   For a first violation of subsection 2, the state treasurer shall notify, by certified mail,

19   the violator and order that person to cease and desist any shipment of alcoholic

20   beverages in violation of subsection 2. The second and each subsequent violation

21   of subsection 2 is a class C felony.

22   5.   For purposes of this section, an agent of an organization is not legally accountable

23   for the conduct the agent performs, or causes to be performed, in the name of the

24   organization.

1   6.   The alcoholic beverage transported in violation of this section and the vehicle used

2   in violation of this section are forfeitable property under chapter 29-31.1.