

Introduced by

Representative Keiser

1 A BILL for an Act to provide for a liquor wholesaler's lien.

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

3 **SECTION 1. Liquor wholesaler's lien authorized.** A liquor wholesaler who furnishes
4 liquor to a retailer is entitled to a lien upon all of the liquor inventory of a retailer. As used in this
5 Act, a "retailer" is a person licensed under chapter 5-02 and a "liquor wholesaler" is a person
6 who is licensed under chapter 5-03. A liquor wholesaler's lien filed in accordance with this Act
7 is effective from the date the liquor is furnished to the retailer.

8 **SECTION 2. Procedure to obtain lien.**

- 9 1. To obtain a liquor wholesaler's lien, the person entitled to the lien, within sixty days
10 after the liquor is furnished to the retailer, shall file a verified statement in the office
11 of the register of deeds of any county in this state or in the office of the secretary of
12 state. The statement must contain the following information:
- 13 a. The name and address of the retailer to whom the liquor was furnished.
 - 14 b. The name and address of the liquor wholesaler.
 - 15 c. A description and value of the liquor and the first date furnished.
 - 16 d. The social security number or, in the case of a retailer doing business other
17 than an individual, the internal revenue service taxpayer identification number
18 of the retailer to whom the liquor was furnished.
- 19 2. The secretary of state shall prescribe one form that can be used to obtain a lien
20 under this section or gain protection under the central notice system, or both.
21 Before a liquor wholesaler's lien is filed, a billing statement for the liquor furnished
22 must include a notice to the retailer that if the amount due to the liquor wholesaler
23 is not satisfied, a lien may be filed against the entire liquor inventory of the retailer.

1 **SECTION 3. Amendment of liens.** A liquor wholesaler may file an amendment to
2 correct the social security or internal revenue service taxpayer identification number of the
3 retailer, to correct the spelling of the retailer's or liquor wholesaler's name, or to correct or
4 change the address of the retailer or liquor wholesaler. The secretary of state shall prescribe a
5 form that may be used to amend or assign the liquor wholesaler's lien that has been filed under
6 this Act. The amendment or assignment of a lien does not affect the priority of the lien.

7 **SECTION 4. Priority.** A liquor wholesaler's lien obtained under this Act has priority, as
8 to the liquor inventory of the retailer, over all other liens or encumbrances.

9 **SECTION 5. Secretary of state to remove and destroy certain documents.** The
10 secretary of state shall remove and destroy liens filed in the secretary of state's office under this
11 Act in the manner provided for in section 11-18-14 for the register of deeds.

12 **SECTION 6. Fees.** The fee for filing a liquor wholesaler's lien with the secretary of
13 state or the county register of deeds is five dollars. The fee for filing a termination statement is
14 five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The
15 lienholder shall file a termination statement within sixty days after the lien has been satisfied.
16 The fee for filing an amendment or assignment of a liquor wholesaler's lien is five dollars.