

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2324**

Introduced by

Senators J. Lee, Murphy, Poolman

Representatives Keiser, Schreiber Beck

1 A BILL for an Act to amend and reenact subsections 3 and 6 of section 5-01-16 of the North
2 Dakota Century Code, relating to out-of-state shipments of alcohol to customers in this state;
3 and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsections 3 and 6 of section 5-01-16 of the North Dakota
6 Century Code are amended and reenacted as follows:

7 3. For a first violation of subsection 1 or 2, the tax commissioner shall notify, by certified
8 mail, the person and order that person to cease and desist any shipment of alcoholic
9 beverages in violation of subsection 1 or 2 and shall assess a civil penalty of one
10 hundred dollars for each illegal shipment. ~~The~~For a second violation of subsection 1 or
11 2 is a class A misdemeanor, the tax commissioner shall assess a civil penalty of two
12 hundred dollars for each illegal shipment. ~~Any~~For any subsequent violation of
13 subsection 1 or 2 ~~is a class C felony and,~~ the tax commissioner shall assess a civil
14 penalty of five hundred dollars for each illegal shipment.

15 6. A licensed alcohol carrier may ship alcoholic beverages into, out of, or within this state.
16 A licensed alcohol carrier shall pay an annual fee of one hundred dollars and obtain a
17 license on an application form provided by the tax commissioner and subject to any
18 requirements determined by the tax commissioner.

19 a. A licensed alcohol carrier shall ensure all containers of alcoholic beverages
20 shipped directly to an individual in this state are labeled with conspicuous words
21 "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".
22 A licensed alcohol carrier may not deliver alcoholic beverages to a person under
23 twenty-one years of age, or to a person who is or appears to be in an intoxicated
24 state or condition. A licensed alcohol carrier shall obtain valid proof of identity and

1 age before delivery and shall obtain the signature of an adult as a condition of
2 delivery.

3 b. A licensed alcohol carrier shall maintain records of alcoholic beverages shipped
4 into, out of, or within this state which include the ~~license number and~~ name of the
5 licensed direct shipper, the ~~license number and~~ name of any licensed logistics
6 shipper, the date of each shipment, the recipient's name and address, and an
7 electronic or paper form of signature from the recipient of the alcoholic
8 beverages. A licensed alcohol carrier shall submit a report to the tax
9 commissioner on a monthly basis in the form and format prescribed by the tax
10 commissioner. The report is due on the last day of the month following the month
11 of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due
12 date is the first working day after the due date. The tax commissioner may
13 require that the report be submitted in an electronic format approved by the tax
14 commissioner.

15 c. ~~A licensed alcohol carrier may not ship alcoholic beverages received from an~~
16 ~~unlicensed direct shipper. For a violation, the licensed alcohol carrier is subject to~~
17 ~~the penalties in subsection 3~~If the tax commissioner has provided notice to a
18 licensed alcohol carrier that a direct shipper is not licensed, the licensed alcohol
19 carrier must notify the direct shipper that the direct shipper must obtain a direct
20 shipper permit before tendering packages to the licensed alcohol carrier for
21 delivery. Any assessed penalty may be waived by the tax commissioner for good
22 cause upon request by the licensed alcohol carrier.