

1 SENATE BILL 57

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

11 RELATING TO ALCOHOLIC BEVERAGES; ENACTING A NEW SECTION OF THE
12 LIQUOR CONTROL ACT TO ALLOW CERTAIN DISPENSER LICENSEES TO
13 LEASE A PRIVILEGE GRANTED BY THEIR LICENSE; ADDRESSING LESSOR
14 AND LESSEE LIABILITY; REQUIRING RULES.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 60-6A-3 NMSA 1978 (being Laws 1981,
18 Chapter 39, Section 20) is amended to read:

19 "60-6A-3. DISPENSER'S LICENSE.--

20 A. In any local option district, a person qualified
21 [~~under~~] pursuant to the provisions of the Liquor Control Act
22 may apply for and be issued a dispenser's license for the sale
23 of alcoholic beverages.

24 B. Except as provided in Section 60-6A-3.1 NMSA
25 1978, a dispenser's license [~~when issued~~] shall only be used by

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1 the person to whom the license is issued and shall only be used
2 within the licensed premises, pursuant to provisions of the
3 Liquor Control Act."

4 SECTION 2. A new section of the Liquor Control Act,
5 Section 60-3A-3.1 NMSA 1978, is enacted to read:

6 "60-3A-3.1. [NEW MATERIAL] DISPENSER'S LICENSE--LEASE OF
7 LICENSE PRIVILEGES--LIABILITY--RULES.--

8 A. A dispenser who exercises the privileges
9 conferred by a dispenser's license only to:

10 (1) sell alcoholic beverages by the drink for
11 consumption on the licensed premises may lease to one other
12 person the privilege to sell alcoholic beverages in unbroken
13 packages for consumption, but not for resale, off the licensed
14 premises; provided that the location of the lessee's premises,
15 which shall be considered licensed premises, is at a site
16 approved by the director outside the local option district
17 where the dispenser-lessor's licensed premises are located; or

18 (2) sell alcoholic beverages in unbroken
19 packages for consumption, but not for resale, off the licensed
20 premises may lease to one other person the privilege to sell
21 alcoholic beverages by the drink for consumption on the
22 licensed premises; provided that the location of the lessee's
23 premises, which shall be considered licensed premises, is at a
24 site approved by the director outside the local option district
25 where the dispenser-lessor's licensed premises are located.

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1 B. A lease made pursuant to Subsection A of this
2 section is subject to approval by the local government where
3 the lessee's premises are to be located following the transfer
4 approval process prescribed in Section 60-6B-4 NMSA 1978.

5 C. The lessee and the lessee's privilege to sell
6 and serve alcoholic beverages pursuant to and in the context of
7 this section are subject to the Liquor Control Act and
8 applicable rules to the same extent as they apply to Liquor
9 Control Act licensees and licenses; provided that the privilege
10 to sell and serve alcoholic beverages shall have no impact on
11 the maximum number of licenses that may be issued pursuant to
12 Section 60-6A-18 NMSA 1978.

13 D. No later than November 1, 2017, the director
14 shall promulgate rules the director deems necessary to
15 implement the provisions of this section. These rules shall
16 include a form to be acknowledged by the dispenser-lessor and
17 lessee that sets out the terms of the relationship between the
18 dispenser-lessor, lessee and department as provided by the
19 provisions of this section and the rules.

20 E. Notwithstanding another provision of law, unless
21 a preponderance of the evidence for civil suits or substantial
22 evidence for administrative sanctions reveals that a dispenser-
23 lessor had actual knowledge of the violation and took no
24 reasonable action to prevent or mitigate the violation, a
25 violation of the Liquor Control Act or applicable rules by the

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1 lessee or at the lessee's licensed premises shall not subject
2 the dispenser-lessor or the dispenser-lessor's license to civil
3 damages or sanctions or to administrative sanctions."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2017.

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