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SENATE BILL 58

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

INTRODUCED BY

Ron Griggs and Bill B. O'Neill

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING FOR CUSTOMERS TO BRING WINE TO A RESTAURANT FOR CONSUMPTION; ALLOWING LICENSEES TO CHARGE A FEE FOR UNCORKING AND SERVING CUSTOMERS' WINE.

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

SECTION 1. Section 60-3A-12 NMSA 1978 (being Laws 2007, Chapter 78, Section 1) is amended to read:

"60-3A-12. UNCORKING CUSTOMER'S WINE--PARTIALLY CONSUMED BOTTLE OF WINE--LICENSED PREMISES.--

A. A dispenser, canopy licensee or restaurant licensee may allow a customer to bring onto and consume on the licensed premises the customer's own bottle of wine that is not available on the menu. The dispenser or licensee may charge the customer a corkage fee for uncorking and serving the wine; provided that:

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1 (1) the dispenser or licensee is not required
2 to offer uncorking services; and

3 (2) the dispenser or licensee and the
4 dispenser's or licensee's servers shall comply with all other
5 requirements of the Liquor Control Act.

6 [~~A.~~] B. Notwithstanding any other provision of law,
7 a dispenser, canopy licensee or restaurant licensee may permit
8 a customer of the licensee to remove from the licensed premises
9 one opened bottle of partially consumed wine; provided that:

10 (1) the customer has purchased a full-course
11 meal and [~~a bottle of wine and~~] has consumed a portion of the
12 bottle of wine that the customer purchased on the licensed
13 premises or brought onto the licensed premises, pursuant to
14 Subsection A of this section, with the meal on the licensed
15 premises; and

16 (2) the dispenser, canopy licensee or
17 restaurant licensee or an agent or employee of the dispenser,
18 canopy licensee or restaurant licensee:

19 (a) attaches the customer receipt issued
20 for the bottle of wine or the receipt issued for the full-
21 course meal with a notation by the dispenser or licensee, or by
22 an agent or employee of the dispenser or licensee, that states
23 that the customer brought the customer's own bottle of wine
24 onto the licensed premises; and

25 (b) reseals the bottle of partially

underscoring material = new
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1 consumed wine by reinserting a cork and sealing the bottle in a
2 tamper-proof bag.

3 [B-] C. When operating a motor vehicle, the
4 customer shall possess and transport the partially consumed
5 bottle of wine in accordance with Section 66-8-138 NMSA 1978."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2017.

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