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SENATE BILL 150

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Roman M. Maes III

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING A SECTION OF THE LIQUOR CONTROL ACT REGARDING SHIPMENT OF ALCOHOLIC BEVERAGES INTO NEW MEXICO FROM ANOTHER STATE; PRESCRIBING PENALTIES.

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

Section 1. Section 60-7A-3 NMSA 1978 (being Laws 1981, Chapter 39, Section 49, as amended) is amended to read:

"60-7A-3. TRANSPORTATION INTO STATE WITHOUT PERMIT-- EXPORTATION OF ALCOHOLIC BEVERAGES WITHOUT PERMIT-- IMPORTATION FOR PRIVATE USE-- RECIPROCAL SHIPPING-- WHEN UNLAWFUL. --

A. Except as provided in Subsection E of this section, it is a violation of the Liquor Control Act for any registered common carrier to knowingly deliver any shipment of alcoholic beverages from another state to any person in this state without receiving at the time of delivery a permit

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1 issued by the department covering the quantity and class of
2 alcoholic beverages to be delivered and requiring the shipment
3 be transported from the shipper designated in the permit to
4 the designated consignee and from the designated point of
5 origin to the destination designated in the permit.

6 B. Except as provided in Subsections D and E of
7 this section, it is a violation of the Liquor Control Act for
8 any person other than a registered common carrier to knowingly
9 transport from another state and deliver in this state any
10 alcoholic beverages, unless the person has in his possession
11 on entering New Mexico a permit from the department for the
12 quantity and class of alcoholic beverages to be delivered,
13 designating the name of the shipper and consignee and the
14 point of origin and destination of the alcoholic beverages.

15 C. Except as provided in Subsections D and E of
16 this section, it is a violation of the Liquor Control Act for
17 any person to transport out of state any alcoholic beverages
18 on which the excise tax has not been paid, unless the shipment
19 is accompanied by a permit issued by the department for the
20 exact quantity and class transported, showing the consignee's
21 federal and state license numbers and the point of origin and
22 destination of the alcoholic beverages.

23 D. ~~[Any individual not a minor]~~ A resident of New
24 Mexico may transport into or out of the state any reasonable
25 amount of alcoholic beverages for the exclusive purpose of his

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1 private use or consumption, and nothing in the Liquor Control
2 Act limits or applies to such private actions.

3 E. ~~[Any individual or licensee]~~ A wine producer in
4 a state which affords New Mexico licensees or individuals an
5 equal reciprocal shipping privilege may ship for personal use
6 and not for resale not more than two cases of wine, each case
7 containing no more than nine liters, per month to any
8 individual not a minor in this state. Delivery of a shipment
9 pursuant to this subsection shall not be deemed to constitute
10 a sale in this state and nothing in the Liquor Control Act
11 limits or applies to such shipments. The shipping container
12 of any wine sent into or out of this state under this
13 subsection shall be labeled clearly to indicate that the
14 package cannot be delivered to a minor or to an intoxicated
15 person. As used in this subsection, "wine producer" means a
16 person who is the primary producer of the wine shipped into
17 this state, who is licensed to produce wine in his state of
18 domicile and who possesses a federal permit to manufacture and
19 sell wine.

20 F. As used in this section, "in this state" means
21 within the exterior boundaries of the state.

22 G. A common carrier who violates the provisions of
23 Subsection A of this section is guilty of a fourth degree
24 felony and shall be sentenced pursuant to the provisions of
25 Section 31-18-15 NMSA 1978.

1 H. A person who violates the provisions of
2 Subsection B of this section is guilty of a fourth degree
3 felony and shall be sentenced pursuant to the provisions of
4 Section 31-18-15 NMSA 1978. "

5 Section 2. EFFECTIVE DATE. --The effective date of the
6 provisions of this act is July 1, 1999.

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