

SENATE BILL NO. 2324

Introduced by

Senators J. Lee, Murphy, Poolman

Representatives Keiser, Schreiber Beck

1 A BILL for an Act subsection 6 of section 5-01-16 of the North Dakota Century Code, relating to
2 out-of-state shipments of alcohol to customers in this state.

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

4 **SECTION 1. AMENDMENT.** Subsection 6 of section 05-01-16 of the North Dakota Century
5 Code is amended and reenacted as follows:

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

10 a. A licensed alcohol carrier shall ensure all containers of alcoholic beverages
11 shipped directly to an individual in this state are labeled with conspicuous words
12 "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".
13 A licensed alcohol carrier may not deliver alcoholic beverages to a person under
14 twenty-one years of age, or to a person who is or appears to be in an intoxicated
15 state or condition. A licensed alcohol carrier shall obtain valid proof of identity and
16 age before delivery and shall obtain the signature of an adult as a condition of
17 delivery.

18 b. A licensed alcohol carrier shall maintain records of alcoholic beverages shipped
19 into, out of, or within this state which may include the license number and name
20 of the licensed direct shipper, the license number and name of any licensed
21 logistics shipper, the date of each shipment, the recipient's name and address,
22 and an electronic or paper form of signature from the recipient of the alcoholic
23 beverages. The tax commissioner may not require the records to include the
24 license number and name of the licensed direct shipper or any licensed logistics

- 1 shipper. A licensed alcohol carrier shall submit a report to the tax commissioner
2 on a monthly basis in the form and format prescribed by the tax commissioner.
3 The report is due on the last day of the month following the month of shipment. If
4 the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first
5 working day after the due date. The tax commissioner may require that the report
6 be submitted in an electronic format approved by the tax commissioner.
- 7 c. A licensed alcohol carrier may not ship alcoholic beverages received from an
8 unlicensed direct shipper. For a violation, the licensed alcohol carrier is subject to
9 the penalties in subsection 3.