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SENATE BILL 763

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

INTRODUCED BY

Roman Maes III

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

underscored material = new
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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4 February 23, 1999

5
6 Mr. President:

7
8 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
9 whom has been referred

10
11 SENATE BILL 763

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13
14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

16
17 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE
18 SUBSTITUTE FOR SENATE BILL 763

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20
21 DO PASS, and further recommends that it now be referred to the
22 COMMITTEES' COMMITTEE thence the PUBLIC AFFAIRS
23 COMMITTEE.
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Respectfully submitted,

Roman M. Maes, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Kidd, Macias, McKibben, Robinson

Abstained: Maloof

Absent: None

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1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE
2 FOR SENATE BILL 763

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11 **44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

12 AN ACT

13 RELATING TO PUBLIC PEACE, HEALTH AND SAFETY; REVISING THE
14 DEFINITION OF "SUPPLIER" FOR THE PURPOSE OF FRANCHISE
15 AGREEMENTS ENTERED INTO PURSUANT TO THE LIQUOR CONTROL ACT.

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

17 Section 1. Section 60-8A-7 NMSA 1978 (being Laws 1981,
18 Chapter 39, Section 54, as amended) is amended to read:

19 "60-8A-7. FRANCHISES--DEFINITIONS.--As used in Sections
20 60-8A-7 through 60-8A-11 NMSA 1978:

21 A. "franchise" means a contract or agreement, either
22 expressed or implied, whether written or oral, between a
23 supplier and wholesaler, wherein:

24 (1) a commercial relationship of definite
25 duration or continuing indefinite duration is involved; and

(2) the wholesaler is granted the right to buy

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and to offer, sell and distribute within this state or any designated area thereof such of the supplier's brand of packaged alcoholic beverages as may be agreed upon;

1 B. "good cause":

2 (1) includes failure by the wholesaler to
3 substantially comply with the essential and reasonable
4 provisions of a contract, agreement or understanding with a
5 supplier;

6 (2) includes use of bad faith on the part of
7 the wholesaler in carrying out the terms of the franchise; and

8 (3) does not include failure or refusal on the
9 part of the wholesaler to engage in any trade practice,
10 conduct or activity [~~which~~] that may result in a violation of
11 any federal law or regulation or any law or regulation of this
12 state;

13 C. "supplier" means any person, partnership,
14 corporation or other form of business enterprise engaged in
15 business as a manufacturer, importer, broker, [~~or~~] agent or
16 their successors or assigns which distributes any or all of
17 its brands of alcoholic beverages through licensed wholesalers
18 in this state;

19 D. "termination" includes any substantial alteration
20 or modification of the provisions of the franchise; and

21 E. "good faith" means honesty in fact in the conduct
22 or transaction concerned and the observance of reasonable
23 commercial standards of fair dealing in the trade as evidenced
24 by all surrounding circumstances. "

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

February 27, 1999

Mr. Presi dent:

Your COMMI TTEES' COMMI TTEE, to whom has been referred

SENATE CORPORATIONS AND TRANSPORTATION COMMI TTEE
SUBSTITUTE FOR SENATE BILL 763

has had it under consideration and reports same WITHOUT
RECOMMENDATI ON, and thence referred to the PUBLIC AFFAI RS
COMMI TTEE.

Respectful ly submi tted,

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SCORC/SB 763

FORTY-SECOND LEGISLATURE
SECOND SESSION

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KEYBOARD(TYPE SLUGS)

Page 8

Manny M. Aragon, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 9

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 1, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred
SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE
SUBSTITUTE FOR SENATE BILL 763

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

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SCORC/SB 763

FORTY-SECOND LEGISLATURE
SECOND SESSION

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KEYBOARD(TYPE SLUGS)

Page 10

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Ingle

Excused: Boitano, Garcia, Stockard, Smith

Absent: None

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underscored material = new
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