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SENATE BILL 365

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

SHANNON ROBINSON

AN ACT

RELATING TO ALCOHOL; AMENDING A SECTION OF THE LIQUOR CONTROL
ACT PERTAINING TO IMPORTATION OF WINE FOR PERSONAL USE.

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 issued
by the department covering the quantity and class of alcoholic

1 beverages to be delivered and requiring the shipment be
2 transported from the shipper designated in the permit to the
3 designated consignee and from the designated point of origin to
4 the destination designated in the permit.

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

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

22 D. Any individual not a minor may transport into or
23 out of the state any reasonable amount of alcoholic beverages
24 for the exclusive purpose of his private use or consumption, and
25 nothing in the Liquor Control Act limits or applies to such

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1 private actions.

2 E. Any [~~individual or licensee~~] manufacturer in a
3 state which affords New Mexico [~~licensees or individuals~~]
4 manufacturers an equal reciprocal shipping privilege may ship
5 for personal use and not for resale not more than [~~two cases~~]
6 one case of wine, each case containing no more than nine liters,
7 per month to any individual not a minor in this state. Delivery
8 of a shipment pursuant to this subsection shall not be deemed to
9 constitute a sale in this state and nothing in the Liquor
10 Control Act limits or applies to such shipments. The shipping
11 container of any wine sent into or out of this state under this
12 subsection shall be labeled clearly to indicate that the package
13 cannot be delivered to a minor or to an intoxicated person.

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

16 Section 2. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1997.

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

SB 365/a

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February 24, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE BILL 365

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 2, line 22, after "transport" insert "or have shipped".
2. On page 3, line 2, before "manufacturer" insert "licensee or".
3. On page 3, line 3, remove the brackets and line through "licensees or".
4. On page 3, line 5, remove the brackets and line through

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Page 5

"two cases".

5. On page 3, line 6, strike the underscored "one case".

Respectfully submitted,

Shannon Robinson, Chairman

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

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Garcia, Ingle, Vernon, Smith

Absent: None

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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State of New Mexico
House of Representatives

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4 **FORTY-THIRD LEGISLATURE**
5 **FIRST SESSION, 1997**
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9 **March 18, 1997**
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11 **Mr. Speaker:**
12

13 **Your BUSINESS AND INDUSTRY COMMITTEE, to whom has**
14 **been referred**

15
16 **SENATE BILL 365, as amended**

17 **has had it under consideration and reports same with**
18 **recommendation that it DO PASS.**
19

20 **Respectfully submitted,**
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24 _____
25 **Fred Luna, Chairman**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/SB 365

Page 8

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

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Alwin, Hobbs, Varela

Absent: Getty

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