

FIRST REGULAR SESSION

# SENATE BILL NO. 64

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Pre-filed December 29, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0613S.011

## AN ACT

To repeal section 311.180, RSMo, and to enact in lieu thereof two new sections relating to the relationship between manufacturers of beer and wholesalers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 311.180, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 311.180 and 311.183, to read as  
3 follows:

311.180. 1. No person, partnership, association of persons or corporation  
2 shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within  
3 this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor  
4 within this state without procuring a license from the supervisor of alcohol and  
5 tobacco control authorizing them so to do. For such license there shall be paid  
6 to and collected by the director of revenue annual charges as follows:

7 (1) For the privilege of manufacturing and brewing in this state malt  
8 liquor containing not in excess of five percent of alcohol by weight and the  
9 privilege of selling to duly licensed wholesalers and soliciting orders for the sale  
10 of malt liquors containing not in excess of five percent of alcohol by weight, to, by  
11 or through a duly licensed wholesaler within this state, the sum of two hundred  
12 fifty dollars;

13 (2) For the privilege of manufacturing in this state intoxicating liquor  
14 containing not in excess of twenty-two percent of alcohol by weight and the  
15 privilege of selling to duly licensed wholesalers and soliciting orders for the sale  
16 of intoxicating liquor containing not in excess of twenty-two percent of alcohol by  
17 weight, to, by or through a duly licensed wholesaler within this state, the sum of  
18 two hundred dollars;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 (3) For the privilege of manufacturing, distilling or blending intoxicating  
20 liquor of all kinds within this state and the privilege of selling to duly licensed  
21 wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds,  
22 to, by or through a duly licensed wholesaler within this state, the sum of four  
23 hundred and fifty dollars;

24 (4) For the privilege of selling to duly licensed wholesalers and soliciting  
25 orders for the sale of malt liquor containing not in excess of five percent of alcohol  
26 by weight, to, by or through a duly licensed wholesaler within this state, the sum  
27 of fifty dollars;

28 (5) For the privilege of selling to duly licensed wholesalers and soliciting  
29 orders for the sale of intoxicating liquor containing not in excess of twenty-two  
30 percent of alcohol by weight, to, by or through a duly licensed wholesaler within  
31 this state, the sum of one hundred dollars;

32 (6) For the privilege of selling to duly licensed wholesalers and soliciting  
33 orders for the sale of intoxicating liquor of all kinds, to, by or through a duly  
34 licensed wholesaler within this state, the sum of two hundred and fifty dollars;

35 (7) For the privilege of selling intoxicating liquor containing not in excess  
36 of five percent of alcohol by weight by a wholesaler to a person duly licensed to  
37 sell such malt liquor at retail and the privilege of selling to duly licensed  
38 wholesalers and soliciting orders for the sale of malt liquor containing not in  
39 excess of five percent of alcohol by weight, to, by or through a duly licensed  
40 wholesaler within this state, the sum of one hundred dollars;

41 (8) For the privilege of selling intoxicating liquor containing not in excess  
42 of twenty-two percent of alcohol by weight by a wholesaler to a person duly  
43 licensed to sell such intoxicating liquor at retail and the privilege of selling to  
44 duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor  
45 containing not in excess of twenty-two percent of alcohol by weight, to, by or  
46 through a duly licensed wholesaler within this state, the sum of two hundred  
47 dollars;

48 (9) For the privilege of selling intoxicating liquor of all kinds by a  
49 wholesaler to a person duly licensed to sell such intoxicating liquor at retail and  
50 the privilege of selling to duly licensed wholesalers and soliciting orders for the  
51 sale of intoxicating liquor of all kinds, to, by or through a duly licensed  
52 wholesaler within this state, the sum of five hundred dollars, except that a  
53 license authorizing the holder to sell to duly licensed wholesalers and to solicit  
54 orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler,

55 shall not entitle the holder thereof to sell within the state of Missouri, direct to  
56 retailers;

57 (10) For the privilege of selling to duly licensed wholesalers and soliciting  
58 orders for the sale of vintage wine as defined in section 311.191, to, by, or  
59 through a duly licensed wholesaler within this state, the sum of five hundred  
60 dollars.

61 2. Solicitors, manufacturers and blenders of intoxicating liquor shall not  
62 be required to take out a merchant's license for the sale of their products at the  
63 place of manufacture or in quantities of not less than one gallon.

64 3. The provisions of this section relating to the privilege of selling malt  
65 liquor are subject to and limited by the provisions of sections 311.181 [and],  
66 311.182, and 311.183.

67 4. The licenses prescribed in this section for the privilege of selling  
68 intoxicating liquor by a wholesaler to a person duly licensed to sell such  
69 intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor  
70 to licensees licensed by the gaming commission to sell beer or alcoholic beverages  
71 pursuant to section 313.840.

**311.183. 1. The provisions of subsection 2 of this section apply  
2 to the following entities:**

3 (1) Any person engaged in the business of brewing or  
4 manufacturing beer;

5 (2) An officer, director, agent, or employee of an entity described  
6 in subdivision (1) of this subsection;

7 (3) An affiliate of an entity described in subdivision (1) of this  
8 subsection, regardless of whether the affiliation is corporate or by  
9 management, direction, or control.

10 2. No entity named in subsection 1 of this section may have any  
11 interest, in whole or in part, directly or indirectly, in the license,  
12 business, assets, or corporate stock of a wholesaler to whom this  
13 chapter applies, except:

14 (1) A security interest granted to the entity of the type provided  
15 for by the uniform commercial code under chapter 400 in products sold  
16 to a wholesaler until the full purchase price has been paid therefor; or

17 (2) An interest in the business, assets, or corporate stock of a  
18 wholesaler as a result of:

19 (a) A judgment against the wholesaler arising out of a default by

20 the wholesaler; or

21 (b) Acquisition of title to the business, assets, or corporate stock  
22 as a result of a written request of the wholesaler. A brewer may  
23 maintain ownership of or an interest in the business, assets, or  
24 corporate stock under this paragraph for not more than ninety days  
25 and only for the purpose of facilitating an orderly transfer of the  
26 business to an owner not affiliated with the brewer.

✓

Unofficial

Bill

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