

SENATE BILL NO. 179

INTRODUCED BY J. SMALL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOL LAWS ALLOWING CERTAIN RETAILERS TO BUY AND SELL BEER OUTSIDE OF THE TERRITORY OF THE WHOLESALER IN WHICH THE RETAILER IS LOCATED; AND AMENDING SECTION 16-3-219, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 16-3-219, MCA, is amended to read:

**"16-3-219. Dock sales restricted -- exceptions.** (1) Except as provided in subsections (2) through (4), beer may not be delivered to a licensed retailer at any location other than the retailer's licensed premises.

(2) An all-beverages licensee may personally or through an employee obtain from any wholesaler's warehouse any quantity of beer as the all-beverages licensee and wholesaler may agree to buy and sell.

(3) Retailers other than an all-beverages licensee may personally or through an employee obtain from the wholesaler's warehouse any quantity of beer that the retailer and wholesaler may agree to buy and sell ~~only within the territory of the wholesaler in which the retailer is located.~~

(4) When a beer wholesaler's trucks and equipment are incapable of delivering beer to a retail licensee's premises due to the unique physical location of the retail licensee's premises, examples of which are premises located on an island or atop a mountain, the beer wholesaler and retail licensee may seek prior department approval for an alternative delivery arrangement on a form provided by the department. If the department approves the alternative delivery arrangement request, the department shall provide the beer wholesaler and the retail licensee a written summary of the conditions of the approved delivery arrangement. Failure to comply with the approved alternative delivery arrangement may subject the beer wholesaler or retail licensee to administrative action."

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