

Proposed Modifications of Title 7 re-write

Page 54 Line 4

The commissioner of liquor control Commissioner of Liquor Control or the 5 control commissioners shall make complaint to the state's attorney State's 6 Attorney or town grand juror of any unlawful furnishing, selling, or keeping 7 for sale of alcohol, spirituous liquor spirits, fortified wines, or malt beverages, 8 or vinous beverages, and furnish the evidence thereof to such state's attorney 9 provide evidence in support of the complaint to the State's Attorney or town 10 grand juror, who shall prosecute for such the alleged violation. 11

Recommend replacing verbiage with reference ALCOHOLIC BEVERAGES

Page 58 Line 21

Coverage shall be maintained at not less than \$25,000.00 per occurrence and \$50,000.00 1 aggregate per occurrence.

Recommend replacing dollar figure with AT A LEVEL DETERMINED BY THE BOARD

Page 106 Line 7

(b) A bottler packager or wholesaler may sell malt or vinous beverages to 7 any duly authorized agency of the U.S. Armed Forces on the Ethan Allen Air 8 Force Reservation in the towns of Colchester and Essex or, the firing range of 9 the U.S. Armed Forces in the towns of Bolton, Jericho, and Underhill and, at 10 the Air Force bases at St. Albans and, at the North Concord Air Force Station 11 at North Concord, or any other U.S. Armed Forces' installation presently 12 existing in the State or which may in the future be established as though to a 13 retail dealer but without the payment of the gallonage tax, subject to the filing 14 of the returns hereinafter as provided in subsection (c) of this section. 15

Recommend: deleting specific locations

Page 115 Line 2-13

§ 506 505. RECORD OF NOTICES 2

(a)(1) Such board of The local control commissioners shall place on file the 3 notices received under section 505 of this title and they. Notices placed on file 4 shall be open to public inspection at reasonable times, except that the notices 5 of a husband, father, wife, child, mother or a sister provided for in section 505 6 of this title, spouse, child, or sibling shall not be open to inspection nor be 7 disclosed by such board of the control commissioners. 8

(2) Upon receipt of a notice, such board of the control commissioners 9 may, upon investigation, give written notice forbidding the sale or furnishing 10 of spirits, fortified wines, or malt and beverages, vinous beverages, or all four 11 to such the person named in the notice and to all licensees within the 12 jurisdiction of such board of the control commissioners.

Recommend: deleting due to questions of constitutionality

Page 134 Line 18

When a sheriff, constable, or police officer makes a search for intoxicating liquor by direction of a lawful officer under this title pursuant to a warrant, he or she shall receive as fees for such the services \$2.00 for the search, \$0.15 a mile for actual travel, and such the sum as that he or she shall actually pay paid out for necessary assistance, if deemed reasonable by the commissioner of finance and management, 4

(1) the Commissioner of Finance and Management deems the amount to be reasonable; and if 6

(2) the officer makes declares under oath that the money was so expended as claimed, stating

Recommend: Reference modern day fee language to establish re-imbusement

Page 136 Line 14

§ 654. TAMPERING WITH SAMPLES 14

A person who tampers with samples of alcoholic beverages or alcohol, malt or vinous beverages or spirituous liquor taken for analysis under this chapter shall be imprisoned not more than 12 months nor less than six months or fined not more than \$500.00 nor less than \$100.00, or both.

Recommend: Deleting this section. Department does not perform this function and does not have the technology to do so.

Page 139 Line 1

shall be assessed a civil penalty of not more than \$100.00 for the first violation, and a civil penalty of not less than \$100.00 nor more than \$500.00 for a second violation that occurs more than one year after the first

Recommend: Changing the penalty to not less than \$100.00 and not more \$500.00 for the first offense and not less than \$500.00 and more than \$1,000.00 for the second offense.

Page 141 Line 15

(b) Advertising Notwithstanding subsection (a), advertising of malt or vinous beverages on vehicles a motor vehicle lawfully transporting alcoholic beverages or on a vehicle drawn by horses shall be permitted.

Recommend: Carving out an exemption for State retail agents (802 Spirits)

Page 171 Line 9

1817. REPORTS OF LAW ENFORCEMENT OFFICER; ACCIDENTS INVOLVING LIQUOR ALCOHOL 10

Any law enforcement officer who, upon investigation of a motor vehicle accident or other incident involving the use of intoxicating liquor alcohol, shall inquire whether the person involved in the accident or incident was served or furnished intoxicating liquor alcoholic beverages at a licensed establishment and, if the officer determines that a person was served or furnished

intoxicating 15 liquor alcoholic beverages at a licensed establishment, the officer shall so 16 inform in writing the appropriate licensee or licensees in writing. A law 17 enforcement officer shall not be subject to civil liability for an omission or 18 failure to comply with a provision of this section.

Recommend: the statute be broadened to include all DWI arrests and mandating notification of the DLC of location of last drink to assist DLC enforcement in red flagging establishments that are over serving.

Page 171 Line 20

Break-open tickets shall not be sold at premises licensed to sell 20 alcoholic beverages except at clubs for clubs as defined in 7 V.S.A. § 2(7) 2.

Recommend: Require charitable recipients to obtain a free license from the DLC and require that they do quarterly reporting of the proceeds that they receive from the sale of these tickets. This will effectively close the loop on these tickets and go some way to prevent theft from the recipient charities.