

H.238:

List of Significant Substantive Amendments to Title 7

Sec. 2. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

- (19) Definition of “keg” amended to reflect increasing use of vinous beverage kegs and tap systems and to bring the Vermont statutes in line with Board’s rules for the refillable container program, which includes both malt and vinous beverages.
- (22) Definition of “malt beverages” amended to eliminate reference to terminal specific gravity and required certification of terminal specific gravity to reflect Department’s existing practice.
- (36) Definition of “spirits” amended to eliminate reference to terminal specific gravity and required certification of terminal specific gravity to reflect Department’s existing practice.

Sec. 6. 7 V.S.A. § 61 is amended to read:

§ 61. RESTRICTIONS; EXCEPTIONS

- Provision providing exception for cider sold in casks or barrels of 32 gallons or more repealed as obsolete. The Department indicated that it is not aware of an instance in which it was used

Sec. 8. 7 V.S.A. § 63 is amended to read:

§ 63. IMPORTATION OR TRANSPORTATION OF ALCOHOL;
PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

- New language added providing that exemption only applies if beverages are not for resale to conform statute to existing practice.

Sec. 9. 7 V.S.A. § 64 is amended to read:

§ 64. SALE OF MALT BEVERAGES IN KEGS

- Added language regarding labeling by manufacturers to reflect existing practice of keg sales by manufacturers.
- Updated identification requirements to provide uniformity in identification requirements throughout Title 7.

Sec. 13. 7 V.S.A. chapter 5 is amended to read:

CHAPTER 5. DEPARTMENT OF LIQUOR CONTROL

§ 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

- Amendment to purchasing language to reflect that the Board and Commissioner purchasing spirits and fortified wines directly rather than through the Department of Buildings and General Services pursuant to 29 V.S.A. § 902.

§ 110. SPECIAL BRANDS; PURCHASE BY COMMISSIONER OF LIQUOR CONTROL.

- Amendment to purchasing language to reflect that the Board and Commissioner purchasing spirits and fortified wines directly rather than through the Department of Buildings and General Services pursuant to 29 V.S.A. § 902.

§ 111. ~~VINOUS BEVERAGES MANUFACTURED IN VERMONT~~ TRANSFER OF LOCAL AGENCY STORE IN CONJUNCTION WITH SALE OF REAL PROPERTY OR BUSINESS

- Former section repealed as obsolete because the Vermont Seal of Quality program has been discontinued.
- New section added to codify session law governing the transfer of a liquor agency during a sale of the property or business.

Sec. 20. 7 V.S.A. § 221 is redesignated and amended to read:

§ ~~221~~ 201. LICENSES CONTINGENT ON TOWN VOTE; ~~RESTRICTIONS AS TO DANCING PAVILIONS~~

- Open air and wayside dancing pavilions language repealed as obsolete.

Sec. 24. 7 V.S.A. § 232 is redesignated and amended to read:

§ ~~232~~ 205. TERMS OF PERMITS AND, LICENSES, AND CERTIFICATES

- Amended to reflect current license renewal practice for both 1st and 2nd class licenses, and all other licenses and permits.

Sec 25. 7 V.S.A. § 233 is redesignated and amended to read:

§ ~~233~~ 206. DISPOSAL OF FEES

- Amended to ensure that language is consistent with 7 V.S.A. § 204(b).

Sec. 30. 7 V.S.A. § 236a is redesignated and amended to read:

§ ~~236a~~ 211. HEARING OFFICER

- Notice provisions amended for clarity.

Sec. 37. 7 V.S.A. § 241 is redesignated and amended to read:

§ ~~241~~ 224. ~~FOURTH CLASS~~ FOURTH-CLASS LICENSE; RULES;
ADVERTISING

- New language added to reflect existing licensing procedure.

Sec. 38. 7 V.S.A. § 225 is redesignated and amended to read:

§ ~~225~~ 251. EDUCATIONAL SAMPLING EVENT PERMIT

- Amends sample size provisions for consistency with other tasting provisions.
- Adds new language for tax on specialty malt beverages for consistency with existing tax rates for retail sales of malt beverages pursuant to § 421.

Sec. 43. 7 V.S.A. § 228 is redesignated and amended to read:

§ ~~228~~ 258. ~~DINING CARS AND BOATS; FIRST OR THIRD CLASS~~
~~LICENSE; PURCHASE OF LIQUORS OUTSIDE STATE;~~
PROMOTIONAL RAILROAD TASTING PERMIT

- Repeals Vermont-produced alcoholic beverage requirement to avoid potential conflict with Commerce Clause.

Sec. 44. 7 V.S.A. § 238a is redesignated and amended to read:

§ ~~238a~~ 227. OUTSIDE CONSUMPTION PERMITS; FIRST-, THIRD-, AND
FOURTH-CLASS LICENSEES

- Amended to reflect that permits are currently issued for licenses that are not attached to a golf course.

Sec. 46. 7 V.S.A. § 229 is amended to read:

§ 229. ~~NUMBER OF LICENSES ALLOWED~~ CLUBS

- Former provision repealed as obsolete in light of the Board's practice of granting multiple licenses.

Sec. 52. 7 V.S.A. § 255 is added to read:

§ 255. RETAIL ALCOHOLIC BEVERAGE TASTING PERMITS

- Amended to include promotional tastings by wholesale dealers in requirements for retail tastings to reflect current practice.

Sec. 76. 7 V.S.A. § 504 is amended to read:

§ 504. ~~ACTION FOUNDED ON TORT; CERTIFIED EXECUTION~~

- Repealed as obsolete. Close jail execution for an action founded on tort was provided for under former 12 V.S.A. § 3624, which was repealed pursuant to 1979 Act No. 67, § 9. Pursuant to 12 V.S.A. § 3521, "no person may be imprisoned on an execution . . . to enforce a judgment in any civil action for money damages."

Sec. 77. 7 V.S.A. § 505 is amended to read:

§ 505. ~~NOTICE TO PROHIBIT SALES TO CERTAIN PERSONS~~

- Repealed as obsolete and because of Constitutional Due Process concerns.

Sec. 78. 7 V.S.A. § 506 is amended to read:

§ 506. ~~RECORD OF NOTICES~~

- Repealed as obsolete and because of Constitutional Due Process concerns.

Sec. 86. 7 V.S.A. § 570 is redesignated and amended to read:

§ ~~570~~ 569. EXECUTION FOR COSTS

- Repeals language relating to execution “against the body” and the final sentence as obsolete because chapter providing for close jail executions was repealed pursuant to 1979, Act. No. 67, § 9.

Sec. 88. 7 V.S.A. § 571 is amended to read:

§ 571. ~~SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT~~

- Repealed because of Constitutional concerns related to the Fourth Amendment and Article I, Chapter 11 of the Vermont Constitution.

Sec. 91. 7 V.S.A. § 575 is redesignated and amended to read:

§ ~~575~~ 574. REOPENING OF FORFEITURE PROCEEDING

- Amends bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. See *Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Sec. 92. 7 V.S.A. § 576 is redesignated and amended to read:

§ ~~576~~ 575. CLAIM BY OWNER, KEEPER, OR POSSESSOR FOR SEIZED
GOODS OR APPARATUS; BOND

- Amends bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. See *Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Sec. 93. 7 V.S.A. § 577 is redesignated and amended to read:

§ ~~577~~ 576. APPEAL; BOND

- Amends bond requirement to avoid potential conflict with Constitutional Due Process and Equal Protection requirements. See *Boddie v. Connecticut*, 401 U.S. 371, 380–383 (1971).

Sec. 101. 7 V.S.A. § 586 is amended to read:

§ 586. ~~NOTICE TO FEDERAL GOVERNMENT~~

- Repeals section as obsolete because the federal Special (Occupational) Tax on Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125.

Sec. 103. 7 V.S.A. § 589 is redesignated and amended to read:

§ ~~589~~ 585. ~~TAX RECEIPT~~ ALCOHOL DEALER REGISTRATION AS EVIDENCE

- Amends section because the federal Special (Occupational) Tax on Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125.

Sec. 105. 7 V.S.A. § 598 is amended to read:

§ 598. ~~FORM OF NOTICE TO FEDERAL GOVERNMENT~~

- Repeals section as obsolete because the federal Special (Occupational) Tax on Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125.

Sec. 107. 7 V.S.A. § 600 is redesignated and amended to read:

§ ~~600~~ 588. FEES OF SHERIFF, CONSTABLE, OR POLICE OFFICER

- Amended to reference fees to current rates and to provide for approval of fees by the Commissioner of Liquor Control.

Sec. 112. 7 V.S.A. § 654 is amended to read:

§ 654. ~~TAMPERING WITH SAMPLES~~

- Repealed as obsolete.

Sec. 115. 7 V.S.A. § 665 is amended to read:

§ 665. ~~PRESCRIPTIONS FOR OTHER THAN MEDICAL USE~~

- Repeals section as obsolete.

Sec. 116. 7 V.S.A. § 666 is redesignated and amended to read:

§ ~~666~~ 660. ADVERTISING

- Amends section to reflect existing practice of advertising alcoholic beverages on motor vehicles making deliveries within the State.

Sec. 118. 7 V.S.A. § 668 is redesignated and amended to read:

§ ~~668~~ 662. LIMIT OF SENTENCE

- Reference to imprisonment for failure to pay a fine or costs repealed as obsolete because statutes permitting close jail execution were repealed pursuant to 1979, No. 67, § 9.

Sec. 129. REPEAL

7 V.S.A. chapter 25 (rathskellars) is repealed.

- Chapter is repealed as obsolete because its provisions are not currently used.

Sec. 130. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

- Vending machine language repealed because vending machines are prohibited throughout Vermont pursuant to 7 V.S.A. § 1003.

Sec. 132. 7 V.S.A. § 1003 is amended to read:

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

- Vending machine language amended to reflect changes to federal law, which permits states to adopt more stringent laws relating to the sale of tobacco under 21 U.S.C. § 387p.

Sec. 133. 7 V.S.A. 1004 is amended to read:

§ 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;
TOBACCO SUBSTITUTES; TOBACCO PARAPHERNALIA

- Identification language amended to provide uniformity in identification requirements for sale of alcohol and tobacco in Title 7.

Sec. 147. 18 V.S.A. § 4254 is amended to read:

§ 4254. IMMUNITY FROM LIABILITY

- Amendments to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.

Sec. 149. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

- Amendment to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.

Sec. 160. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

- Amendment to reflect repeal of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.