

## LEGISLATIVE BILL 332

Approved by the Governor June 9, 1993

Introduced by Haberman, 44

AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, and sections 53-101 and 53-117.06, Revised Statutes Supplement, 1992, as amended by sections 1 and 7, respectively, Legislative Bill 183, Ninety-third Legislature, First Session, 1993; to state intent; to provide duties for sellers and purchasers of beer kegs; to provide powers and duties for the Nebraska Liquor Control Commission; to provide penalties; to change provisions relating to a sign; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 53-101, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

53-101. Sections 53-101 to 53-1,121 and sections 2 to 5 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. The Legislature finds that every year hundreds of people, many of them teenagers, are seriously injured or killed as a result of alcohol-related accidents. In recognition of such facts it is the intent of the Legislature, through the implementation of section 3 of this act, to protect the public health, safety, and welfare of all Nebraskans.

Sec. 3. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or eighteen and ninety-two hundredths or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with the purchaser's signature. Such record shall be on a form prescribed by the commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months.

The commission shall adopt and promulgate rules and regulations which require the licensee to place a label on the beer container, which label shall at least contain a keg identification number and shall be on a form prescribed by the commission. Such label shall be placed on the keg at the time of retail sale. The licensee shall purchase

the forms referred to in this section from the commission. The cost incurred to produce and distribute such forms shall be reasonable and shall not exceed the reasonable and necessary costs of producing and distributing the forms. Any money collected by the commission relating to the sale of such forms shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.

The keg identification number for each container shall be registered with the commission. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall, upon conviction, be guilty of a Class III misdemeanor.

Sec. 4. (1) Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of a Class III misdemeanor.

(2) A licensee may require a deposit of not more than fifty dollars from a person purchasing beer for consumption off the premises in a container described in section 3 of this act. Such deposit may be retained by the licensee, in the amount of actual damages, if upon return the container or any associated equipment is damaged or if the keg identification number has been unlawfully tampered with, altered, or removed and such tampering, alteration, or removal has been reported to a law enforcement officer.

Sec. 5. The commission shall issue a report to the Legislature on or before December 1 of each year commencing on December 1, 1994, concerning the effectiveness of keg registration legislation on deterring use of alcoholic liquor by minors and other issues relating to keg registration and may include recommendations to improve the effectiveness of such legislation.

Sec. 6. That section 53-117.06, Revised Statutes Supplement, 1992, as amended by section 7, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

53-117.06. Any money collected by the commission pursuant to section 53-117.05 or section 3 of this act shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which fund is hereby created. The purpose of the fund shall be to cover any costs incurred by the commission in producing or distributing the material referred to in such ~~section~~ sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 7. That section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.04. Every licensee of a place where alcoholic liquor is sold at retail shall display at all times in a prominent place a printed card with a minimum height of twenty inches and a width of fourteen

inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

WARNING TO PERSONS UNDER 21  
 YOU ARE SUBJECT TO A PENALTY UP TO  
 \$500 FINE  
 3 MONTHS IN JAIL  
 OR BOTH  
 IF YOU ARE UNDER 21 AND YOU PURCHASE  
 OR ATTEMPT TO PURCHASE  
 OR HAVE IN YOUR POSSESSION  
 ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT  
 AND  
 WARNING TO ADULTS  
 YOU ARE SUBJECT TO A PENALTY UP TO  
 \$1000 FINE  
 1 YEAR IN JAIL  
 OR BOTH  
 IF YOU ARE 21 OR OVER AND YOU PURCHASE ALCOHOLIC  
 LIQUOR  
 FOR A PERSON UNDER 21  
 AND

WARNING TO PURCHASERS OF BEER KEGS  
PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE  
ARE REQUIRED

LAWS OF THE STATE OF NEBRASKA

Sec. 8. That original section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, and sections 53-101 and 53-117.06, Revised Statutes Supplement, 1992, as amended by sections 1 and 7, respectively, Legislative Bill 183, Ninety-third Legislature, First Session, 1993, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.