

1 HB81
2 155246-2
3 By Representative Collins
4 RFD: Economic Development and Tourism
5 First Read: 14-JAN-14
6 PFD: 01/06/2014

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8 SYNOPSIS: Under existing law, a licensee of the
9 Alcoholic Beverage Control Board may permit a
10 customer to remove from the premises an unsealed
11 bottle of wine provided the bottle of wine is
12 either recorked or resealed in a bag under certain
13 conditions. The existing law also provides that a
14 bottle of wine recorked or resealed in compliance
15 with the law is not considered open for the purpose
16 of the law prohibiting an open container of
17 alcoholic beverages in a motor vehicle.

18 This bill would delete the language in the
19 existing law providing that a bottle of wine
20 recorked or resealed in compliance with the law is
21 not considered open and would specifically provide
22 how recorked or resealed bottles of wine may be
23 transported in a motor vehicle considering the type
24 of storage space in the vehicle.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 28-3A-20.1 of the Code of Alabama
4 1975, authorizing certain licensees of the Alcoholic Beverage
5 Control Board to remove a recorked or resealed bottle of wine
6 from the licensed premises; to delete certain language in the
7 law providing that the recorked or resealed bottle would not
8 be considered an open container of alcoholic beverages; and to
9 specifically provide for the manner of transportation of a
10 recorked or resealed bottle of wine in a motor vehicle
11 considering the type of storage space in the vehicle.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 28-3A-20.1 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§28-3A-20.1.

16 "Notwithstanding any provision of this chapter to
17 the contrary, a person holding a license to sell alcoholic
18 beverages for consumption on the licensed premises may permit
19 a customer to remove one unsealed bottle of wine for
20 consumption off the premises if the customer has purchased and
21 consumed a portion of the bottle of wine on the licensed
22 premises. The licensee or the licensee's agent shall either:
23 (1) recork the bottle of wine with the original or similar
24 type cork that is reinserted in the bottle and the cork can
25 only be removed by a corkscrew or similar device; or (2)
26 securely reseal the bottle in a bag designed so that it is
27 visibly apparent that the resealed bottle of wine has not been

1 tampered with and shall provide a dated receipt for the
2 resealed bottle of wine to the customer. A wine bottle
3 recorked or resealed pursuant to the requirements of this
4 section is otherwise subject to the requirements of Section
5 32-5A-330, ~~but a bottle of wine complying with this section~~
6 ~~shall not be considered open as further provided herein.~~ The
7 recorked or resealed bottle of wine, if transported in a motor
8 vehicle, shall be placed in a locked trunk; in a storage or
9 luggage compartment; in a locked glove compartment; in a
10 storage or cargo compartment in the bed of a pickup truck or
11 in a locked case placed in an area not readily accessible
12 behind the front seat of a pickup truck if the truck has no
13 trunk or separate enclosed area other than the truck cab; or
14 in the area behind the last upright seat of a motor vehicle
15 which is not equipped with a trunk."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.