

**Adopted
AMENDMENT NO 2 PROPOSED TO**

House Bill No. 997

BY: Representative Lamar

1 **AMEND** by inserting the following language after line 242:

2 "(9) No alcoholic beverages shall be delivered to a retailer
3 other than alcoholic beverages that have been stored or warehoused
4 for no less than forty-eight (48) hours at a premise in this state
5 owned, rented or leased by a wholesaler.

6 (10) (a) No wholesaler may sell and no retailer may
7 purchase alcoholic beverages except for cash or on terms requiring
8 payment by the retailer in accordance with paragraph (b) of this
9 subsection (10). A wholesaler who accepts a check or draft as
10 payment from a retailer for the purchase of alcoholic beverages
11 must deposit the check or draft in the bank for payment or present
12 the check or draft for payment within five (5) business days after
13 it is received.



14 (b) On purchases made from the first through the
15 fifteenth day of a month, payment must be made on or before the
16 twenty-fifth day of that month. On purchases made on the
17 sixteenth day through the last day of a month, payment must be
18 made on or before the tenth day of the following month. An
19 account is not delinquent if payment is received by the wholesaler
20 not later than the fourth business day after the date payment is
21 due under this paragraph (b).

22 (c) Each delivery of alcoholic beverages shall be
23 accompanied by an invoice giving the date of purchase. If a
24 retailer becomes delinquent in the payment of an account for
25 alcoholic beverages, the wholesaler immediately shall report that
26 fact in writing, including by electronic mail or facsimile
27 transmission, to the commission. A wholesaler may not sell any
28 alcoholic beverages to a retailer who is delinquent until the
29 delinquent account is paid in full and cleared from the records of
30 the commission, provided that sales to delinquent retailers can be
31 made on a cash on delivery basis. An account becomes delinquent
32 if it is not paid when it is required to be paid under paragraph
33 (b) of this subsection (10).

34 (d) The commission may not accept the voluntary
35 cancellation or suspension of a permit or allow a permit to be
36 renewed or transferred if the permit holder is delinquent in the
37 payment of an account for alcoholic beverages under this
38 subsection (10). A person whose permit is canceled by the



39 commission or whose permit has expired is not eligible to hold any
40 other permit or license under this chapter until the person has
41 cured any delinquency of the person under this section.

42 (e) It shall be unlawful for a wholesaler to accept a
43 postdated check, a note or memorandum, or participate in a manner
44 to assist a retailer in the violation of this subsection (10).

45 (f) Nothing in this subsection (10) shall require a
46 wholesaler to makes sales to a retailer on a credit basis. A
47 wholesaler may at any time require that sales be made on a cash on
48 delivery basis. "

