

FIRST REGULAR SESSION

HOUSE BILL NO. 616

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND MEADOWS (Co-sponsor).

Read 1st time February 23, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0508L.02I

AN ACT

To repeal section 311.191, RSMo, and to enact in lieu thereof two new sections relating to vintage wine sales by municipalities, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 311.191, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.191 and 311.193, to read as follows:

311.191. 1. As used herein, the term "vintage wine" means bottled domestic white, rose or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling or port wine which is not less than three years old.

2. Notwithstanding any other provisions of this chapter, any **municipality or person** legally owning, controlling or possessing a private collection of vintage wines in their original packages, including an executor, administrator, personal representative, guardian or conservator of an estate, sheriff, trustee in bankruptcy, or person appointed or authorized by a court to act upon or execute a court order or writ of execution with regard to the disposition of that vintage wine, is authorized to sell that vintage wine at auction on consignment through an auctioneer licensed herein. The auctioneer involved in such sale shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection.

3. The supervisor of liquor control is hereby authorized to issue a license to conduct auctions of vintage wine to any person licensed as an auctioneer pursuant to chapter 343, RSMo, and regularly conducting business as an auctioneer at a fixed location in this state within a city

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 in a county of the first classification with a charter form of government; provided, however, that
18 no such license to auction vintage wine may be issued to any person, or any entity controlled in
19 whole or in part by a person, who:

20 (1) Has been convicted of a felony or of any offense under this chapter;

21 (2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or
22 previously possessed such a license which was revoked for cause; or

23 (3) Has not been continuously in business in this state as an auctioneer for a period of
24 ten years prior to making application for such license to auction vintage wine. The license to
25 auction vintage wine shall be in addition to any license or permit requirements imposed by
26 ordinance within the county or municipal jurisdictions in which the auctioneer conducts such
27 business.

28 4. No auction of vintage wine may be conducted off the business premises of the
29 auctioneer. No vintage wine sold at auction shall be consumed on the premises of the auctioneer,
30 nor shall any original package of vintage wine be opened on such premises in the course of any
31 such auction, except as provided herein. A license to conduct auctions of vintage wine shall be
32 issued for a period of one year and shall authorize the auctioneer to conduct not more than six
33 auctions of vintage wine during such year. The license shall be issued in such form and upon
34 the completion of such application as may be required by the supervisor of liquor control. The
35 fee for such license shall be five hundred dollars per year.

36 5. A **municipality** or person legally owning, controlling or possessing a private
37 collection of vintage wines in their original packages may ship the vintage wine in such packages
38 from any location within the state of Missouri to an auctioneer licensed pursuant to this act.
39 Upon receipt of the vintage wine the auctioneer shall be responsible for the storage and
40 warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this
41 section, for the delivery of the vintage wine to the purchasers at auction, and for the payment and
42 transfer of any applicable state and local taxes in connection with the auction sale.

43 6. An auctioneer licensed to sell vintage wine pursuant to this section may hold vintage
44 wine tastings on the premises where an auction of such vintage wine is to be conducted within
45 the period of twenty-four hours immediately preceding the commencement of the auction.

46 7. An auctioneer licensed pursuant to this section shall be subject to all restrictions,
47 regulations and provisions of this chapter governing the acquisition, storage and sale of
48 intoxicating liquor for off-premises consumption which are not inconsistent with the provisions
49 of this section.

50 8. An auctioneer who affixes a label to any bottle of vintage wine, as provided in
51 subsection 2 of this section, without having determined through the exercise of reasonable
52 diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class

53 C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor,
54 shall be subject to cancellation of the license issued pursuant to subsection 3 of this section.

**311.193. 1. As used in this section, the term "vintage wine" means bottled domestic
2 white, rose, or sparkling wine which is not less than five years old, domestic red wine which
3 is not less than ten years old, or imported white, rose, red, sparkling, or port wine which
4 is not less than three years old.**

**5 2. Notwithstanding any other provisions of this chapter, any municipality legally
6 owning, controlling or possessing a private collection of vintage wines in their original
7 packages, is authorized to sell such vintage wine through a sealed bid process. The
8 municipality may set a minimum bid and may reserve the right to reject all bids. The
9 municipality shall designate a municipal employee to sell vintage wine through a sealed bid
10 process who shall ensure that each bottle of vintage wine sold from a private collection has
11 a permanently fixed label stating that the bottle was acquired from a private collection.**

**12 3. The supervisor of liquor control is hereby authorized to issue a license to a
13 designated municipal employee provided that no such license to sell vintage wine through
14 a sealed bid process may be issued to any person, who:**

15 (1) Has been convicted of a felony or of any offense under this chapter;

**16 (2) Either possesses a current license to sell intoxicating liquor at wholesale or
17 retail, or previously possessed such a license which was revoked for cause.**

**18 4. The license to sell vintage wine through a sealed bid process shall be in addition
19 to any license or permit requirements imposed by ordinance within the county or
20 municipality.**

**21 5. No vintage wine sold through the sealed bid process shall be consumed on the
22 premises of the municipality, nor shall any original package of vintage wine be opened on
23 such premises, except as provided herein. A license to sell vintage wine through a sealed
24 bid process shall be issued for a period of one year and shall authorize the designated
25 municipal employee to sell such wine not more than six different times during that year.
26 The license shall be issued in such form and upon completion of such application as may
27 be required by the supervisor of liquor control. The fee for such license shall be fifty
28 dollars per year which shall be paid by the municipality.**

**29 6. The municipality legally owning, controlling, or possessing a private collection
30 of vintage wines in their original packages may ship the vintage wine in such packages
31 from any location within the state of Missouri to the designated municipal employee
32 licensed pursuant to this section. Upon receipt of the vintage wine the designated
33 municipal employee shall be responsible for the storage and warehousing thereof, for the
34 labeling thereof pursuant to the requirements of subsection 2 of this section, for the**

35 **delivery of the vintage wine to the purchasers, and for the payment and transfer of any**
36 **applicable state and local taxes in connection with the sale.**

37 **7. The designated municipal employee licensed to sell vintage wine pursuant to this**
38 **section may hold vintage wine tastings on the premises where the vintage wine is stored**
39 **within the period of twenty-four hours immediately preceding the first date on which**
40 **sealed bids will be accepted.**

41 **8. The designated municipal employee licensed pursuant to this section shall be**
42 **subject to all restrictions, regulations, and provisions of this chapter governing the**
43 **acquisition, storage, and sale of intoxicating liquor for off-premises consumption which are**
44 **not inconsistent with the provisions of this section.**

45 **9. A municipal employee designated by the municipality to sell vintage wine**
46 **through a sealed bid process who affixes a label to any bottle of wine, as provided in**
47 **subsection 2 of this section, without having determined through the exercise of reasonable**
48 **diligence that the wine was acquired from a bona fide private collection, shall be guilty of**
49 **a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such**
50 **misdemeanor, shall be subject to a cancellation of the license issued pursuant to subsection**
51 **3 of this section.**