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HOUSE BILL NO. 1339

House Amendments in [] — February 10, 1996

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 4.1 a section numbered 4.1-133, relating to alcoholic beverage control; bailment system of warehousing.

Patrons—Croshaw, Albo, Heilig, Jones, J.C., Moore, Robinson and Spruill; Senators: Lambert, Lucas and Saslaw

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 4.1 a section numbered 4.1-133 as follows:

§ 4.1-133. Bailment system of warehousing; prohibited fees and charges.

In the event that the Board adopts any regulation or policy providing for bailment warehousing operations or otherwise requiring that a vendor of alcoholic beverages retain ownership or legal title to beverages purchased or ordered for purchase by the Board for any period after the Board or its agent comes into physical possession of such beverages, the Board shall not impose upon any vendor required to provide stock under such bailment system any:

1. Overstock fee or other charge based or premised in whole or in part upon the fact that a vendor has delivered to any warehouse, store or other facility owned or operated by the Board or its agent bailed stock in excess of any maximum inventory level established or suggested by the Board.

2. Space reservation fee or other charge based or premised in whole or in part upon the fact that a vendor has delivered to any warehouse, store or other facility owned or operated by the Board or its agent bailed stock in a quantity less than any minimum inventory level established or suggested by the Board.

3. Fee or charge for the movement of bailed stock within a bailment warehouse or other bailment facility, or from a bailment warehouse or other bailment facility to a work area in proximity to such warehouse or facility, [not] at the request of the vendor holding legal title to such stock for the purpose of inspecting such stock.

4. Fee or charge for conducting a physical inventory of bailed stock at the request of the vendor holding legal title to such stock, provided that no more than two such requests have been made within the current fiscal year with respect to the particular item or brand of stock that is the subject of the request.

5. Fee or charge for withdrawal of bailed stock by the vendor who retains legal title to such stock [~~including, without limitation, any fee or charge for loading such withdrawn stock onto the vendor's means of conveyance~~] .

6. Fee or charge [~~for the reeoperation of stock, relabeling of cases of stock, or greater than fifteen dollars per hour for the~~] placement of stock on pallets or other appurtenances designed to facilitate the movement of stock within the warehouse or other facility.

[2. That, within 30 days of the effective date of this act, the Alcoholic Control Board shall issue to any vendor against whom was assessed any fee or charge of a type described in this act, a credit or refund in the full amount of such fees or charges imposed from July 1, 1995, through June 30, 1996.]

ENGROSSED

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