

CHAPTER 340

INTOXICATING LIQUORS

340.039	Proof of age.	340.402	Licenses, fees.
340.111	Licenses.	340.493	Fermented malt beverages; shipment into state; licenses.
340.113	Importers of intoxicating liquors.	340.54	Unstamped liquor.
340.119	Bottle clubs; penalty.	340.62	Certain liquor registered.
340.14	Regulations.	340.621	Intoxicating or nonintoxicating liquor; registration of brand by owner.
340.353	Municipal liquor stores; establishment; operation.		

340.039 PROOF OF AGE.

Proof of age for purposes of consuming, purchasing, or possessing an alcoholic beverage, the consumption, sale, or possession of which is regulated by age, may only be established by a valid driver's license or a current Minnesota identification card issued pursuant to section 171.07. In the case of a foreign national, a valid passport may be used as an alternative to the foregoing methods of identification.

History: 1981 c 21 s 1

340.11 LICENSES.

[For text of subs 1 to 9, see M.S.1980]

Subd. 10. **On-sale licenses; counties.** (1) On-sale licenses may be issued for the sale of intoxicating liquors by any county herein provided for.

(2) A county board may issue an "on-sale" license for the sale of intoxicating liquors within the unorganized or unincorporated area of the county, to a restaurant or to a club, with the approval of the commissioner of public safety. No license shall be issued or renewed under this clause after the application has been made therefor, until the county board shall have secured a written statement of the sheriff concerning the applicant. Such statement shall include a recital that to the best of his knowledge the applicant has not, within a period of five years prior to the date of such application, violated any law relating to the sale of non-intoxicating malt liquor or intoxicating liquors and that in his judgment the applicant will comply with the laws and regulations relating to the conduct of said business in the event said license is issued or renewed. Before issuing or renewing any license, the county board shall consider the statement of the sheriff, the character and reputation of the applicant, the nature of the business to be conducted, and the type of premises and propriety and location of said business.

All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided for herein. The license fee for an on-sale license issued pursuant to this section or pursuant to any other law governing the issuance of a license by a county shall be fixed by the county board. The fee shall be in such an amount as is competitive with similar licensing fees in comparable areas where intoxicating liquor is sold at on-sale. If the licensed premises to which any license issued pursuant to this section or any other law governing the issuance of a license by a county is located in a town, an additional license fee may be set by the town board in an amount not to exceed 20 percent of the county license fee. No premises located in a town may be licensed by the county board unless a resolution of the town board of supervisors indicating their support or opposition to the granting of the license is filed with the application for the license. If the town board of supervisors refuses or fails to adopt a resolution indicating their support or opposition within 30 days after being

MINNESOTA STATUTES 1981 SUPPLEMENT

1273

INTOXICATING LIQUORS 340.11

requested to do so by the applicant, it shall be presumed that they support the application.

No license may be issued by the county board of any county pursuant to this section to any person who directly or indirectly has been issued an intoxicating liquor license by the county board or by the governing body of any city located within the county. Nothing in this paragraph shall be construed to prohibit the re-issuance of any intoxicating liquor license already issued pursuant to law as of June 5, 1975.

[For text of subds 10a to 11b, see M.S.1980]

Subd. 11c. **Sale of liquor at sports or convention facilities.** The governing body of any municipality as defined in section 340.07, subdivision 11, may by ordinance authorize any holder of an on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports or convention facility owned by the municipality or instrumentality thereof having independent policymaking and appropriating authority, and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee shall not dispense intoxicating liquor to any person attending or participating in any amateur athletic event held on the premises. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. All dispensing of intoxicating liquor shall be in accordance with terms and conditions prescribed by the municipality, and such terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The municipality may fix and assess a fee to be paid to the municipality by an on-sale licensee for each occasion where the licensee is engaged to dispense intoxicating liquor. The authority granted by this subdivision shall not be construed as counting as an additional on-sale intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of section 340.11.

[For text of subds 12 and 13, see M.S.1980]

Subd. 14. **License fees.** The license fees to be paid before the issuance of licenses shall be as provided in clauses (a), (b), (c), (d).

(a) Except as provided in clauses (b), (c), and (d), any manufacturer shall pay to the state annually a license fee of \$7,500, and a fee of \$3,000 for each duplicate thereof.

(b) Any manufacturer of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$500.

(c) Except as provided in clauses (a), (b), (d), any wholesaler shall pay to the state annually a license fee of \$7,500, and a fee of \$3,000 for each duplicate thereof.

(d) Any wholesaler of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$750.

(e) The maximum license fee for an "off-sale" license in the cities of the first class shall be the sum of which, together with any occupation tax that may be imposed by a municipality issuing said "off-sale" license, will not exceed the sum of \$1,000 annually; in all cities of over 10,000 population, except cities of the first

MINNESOTA STATUTES 1981 SUPPLEMENT

340.11 INTOXICATING LIQUORS

1274

class, the maximum license fee for an "off-sale" license shall be \$200; in all cities with a population between 5,000 and 10,000 the maximum license fee shall be \$150; in all cities of 5,000 population or less, the maximum license fee shall be \$100. All such license fees for "off-sale" licenses shall be payable to the municipalities issuing the license. Where such licenses shall be issued for less than one year, a fee may be a pro rata share of the annual license fee.

[For text of subs 15 to 20, see M.S.1980]

History: 1981 c 118 s 1; 1981 c 123 s 1; 1981 c 357 s 83

340.113 IMPORTERS OF INTOXICATING LIQUORS.

[For text of subd 1, see M.S.1980]

Subd. 2. **License, application, renewal.** Such licenses shall be issued by the commissioner of public safety for the term of one year, and must be renewed annually. Application for such a license shall be made to the commissioner of public safety. The form of application shall contain an agreement on the part of the applicant that he will observe all of the laws of this state relating to the importation and sale of intoxicating liquor, and such other information and statements as the commissioner of public safety may require. Any person who has violated any of the laws of this state relating to intoxicating liquor shall not be entitled to such a license. The fee for each annual license shall be \$300 which shall accompany the application for license.

[For text of subs 3 to 6, see M.S.1980]

History: 1981 c. 357 s 84

340.119 BOTTLE CLUBS; PENALTY.

[For text of subs 1 and 2, see M.S.1980]

Subd. 3. It is unlawful for any bottle club or for any business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing of intoxicating liquor without having first obtained a permit therefor. Such permit may be issued by the commissioner of public safety after approval by the governing body of the county or city, for a period of one year to expire on July 1, next following issuance of such license, upon the payment of \$150 and must be renewed annually on July 1. Application for such permit shall be made to the commissioner of public safety. There is hereby conferred upon the governing body of each county and city in the state the authority to impose, in addition to the fee provided by this subdivision, a local license fee not exceeding \$300 per year, which shall be payable to the county and city imposing the fee.

[For text of subs 4 to 9, see M.S.1980]

History: 1981 c 357 s 85

340.14 REGULATIONS.

[For text of subs 1 to 4, see M.S.1980]

Subd. 5. **Sunday sales.** (a) Notwithstanding the provisions of subdivision 1, in any municipality establishments to which on sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants or clubs as defined in section 340.07, and which have facilities for

serving not less than 30 guests at one time, may serve intoxicating liquors between the hours of 12 o'clock noon and 12 o'clock midnight on Sundays in conjunction with the serving of food. The governing body of any municipality within the seven county metropolitan area, as defined in section 473.121, subdivision 2, may adopt an ordinance that allows the licensees to serve intoxicating liquors between the hours of 10 o'clock a.m. and 12 o'clock midnight on Sundays in conjunction with the serving of food, provided that the licensee establishment is in conformance with the Minnesota Clean Indoor Air Act.

(b) It is unlawful for any such establishment, directly or indirectly, to sell or serve such intoxicating liquors as provided in paragraph (a) above, without having first obtained a special license from the municipality therefor. Such special license may be issued by the governing body of the municipality for a period of one year and for such a fee as it shall determine, but not exceeding \$200. The special license may be revoked by the governing body, for cause. The provisions of section 340.112 shall apply to such license. Application for the special license shall be made to the governing body of the municipality in the same manner as application for other licenses to sell intoxicating liquor are made.

(c) This subdivision shall not apply to any municipality until authorized by the voters of the municipality voting on the question at a special election called for such purpose or at the general election in the municipality, the election to be conducted in accordance with the applicable provisions of the Minnesota election law. Provided, however, that municipal voter approval shall not be required in the case of major airports operated by public corporations organized and existing under sections 473.601 to 473.679, which are operated by such public corporations as terminals for regular, scheduled air passenger service where the lands or any part thereof constituting the same have been detached from cities under and pursuant to sections 473.625 to 473.631, nor in the case of common carriers licensed under the provisions of sections 340.11, subdivision 3, and 340.12 and any license to sell intoxicating liquors on Sunday issued to a common carrier by the commissioner of public safety shall, in addition to all other license fees, require the payment to the commissioner of public safety of a fee of \$50 per annum plus a fee of \$5 for each duplicate of said license required to be posted in each place where intoxicating liquor is sold by said common carrier.

History: 1981 c 368 s 1

340.353 MUNICIPAL LIQUOR STORES; ESTABLISHMENT; OPERATION.

[For text of subd 1, see M.S.1980]

Subd. 2. **Population change.** Any municipality in which an authorized liquor store has been established may continue to operate such municipal liquor store notwithstanding any subsequent change in population; provided, that within one year after the effective date of the census by which such municipality exceeds 10,000 in population, the question, "Shall the city continue to operate its municipal liquor store?" is submitted to the voters of the city at a general or special municipal election and a majority of the voters voting upon the question at the election vote in the affirmative upon the question. The notice of the election shall show that the question, "Shall the city continue to operate its municipal liquor store?" is to be submitted to the electors at the election.

[For text of subds 3 to 6, see M.S.1980]

Subd. 7. **Referendum in certain cities.** In any city in which the report of the operations of a municipal liquor store has shown a net loss in any two of three consecutive years, or has shown that no contribution to other municipal funds has been made from the net income of the operation in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks notice, written in clear and easily understandable language, of the hearing shall be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council shall not be more than 30 months following the date of the election.

History: 1981 c 198 s 1; 1981 c 331 s 1

340.402 LICENSES, FEES.

No person shall engage in business as a brewer or wholesaler of intoxicating malt liquor nor shall any person, directly or indirectly, by any device, manufacture for sale or sell at wholesale any intoxicating malt liquor unless licensed to do so by the commissioner.

Application for license shall be made in writing, filed with the commissioner in the form prescribed by him and verified by the applicant or, if a corporation, by one of its officers having knowledge of the facts. At the time of filing an application the applicant shall file with the commissioner his bond and pay the license fee herein provided for.

The annual fees for license are: for a brewer, the sum of \$1,250, for a wholesaler, the sum of \$300, and a wholesaler's malt beverage duplicate license the sum of \$15.

A brewer holding a license to manufacture intoxicating malt liquor may sell his products at wholesale without another license.

History: 1981 c 357 s 86

340.493 FERMENTED MALT BEVERAGES; SHIPMENT INTO STATE; LICENSES.

[For text of subd 1, see M.S.1980]

Subd. 2. **Licenses; application, renewal.** Such licenses shall be issued by the commissioner of public safety for one year and must be renewed annually. The application for such license shall contain an agreement on the part of the applicant that he will observe all laws of this state relating to the importation and taxation of such fermented malt beverages and such other information and statements as the commissioner requires. Any person who has violated any laws of this state relating to fermented malt beverages or intoxicating liquor is not entitled to such license. The fee for each annual license is \$200 which shall accompany the application for license. If an examination of the financial responsibility of any such applicant for license indicates that a bond is necessary for the protection of the revenue, the commissioner may require the applicant to file a bond to be approved by the commissioner, payable to the state in an amount not less than

\$1,000 and not more than \$5,000 conditioned upon the payment of all excise taxes to become payable to the state.

[For text of subds 3 to 5, see M.S.1980]

History: 1981 c 357 s 87

340.54 UNSTAMPED LIQUOR.

Subdivision 1. Possession gross misdemeanor; seizure; confiscation. It is a gross misdemeanor for any person to have in his possession any intoxicating liquor upon which no tax has been paid to any state or foreign government if such person is without authority to have such untaxed intoxicating liquor. It is a gross misdemeanor for any person to have in his possession any fermented malt liquor, upon which no tax has been paid to any state or foreign government, if such person intends to sell such fermented malt liquor and if such person is without authority to have such untaxed fermented malt liquor. The commissioner of public safety or the commissioner of revenue or their designated inspectors and employees are hereby authorized and empowered to seize and confiscate in the name of the state of Minnesota any such untaxed intoxicating liquor and, in the case of fermented malt liquor such fermented malt liquor, if intended for sale. Either commissioner shall seize and confiscate any material, apparatus, vehicle or conveyance used in the illegal manufacture, sale, possession or storage of any intoxicating liquor or any vehicle or conveyance used in the transportation of such intoxicating liquor or fermented malt liquor subject to seizure hereunder, material, or apparatus in possession, under control, sold, or transported in any manner in violation of sections 340.07 to 340.961, and to immediately arrest and as soon as possible make proper complaint in court against any person or persons in charge of the vehicle or conveyance seized.

Subd. 2. Seizure of conveyances; complaints; procedure in district court. The commissioner of public safety and his designated inspectors and employees shall seize all vehicles and conveyances used in the manufacture, sale, possession, storage or transportation of liquor in violation of sections 340.07 to 340.961, and hold them subject to the order of the district court of the county in which they are seized. The confiscation of any vehicle or conveyance seized hereunder shall be complete upon compliance with the following procedure:

The commissioner of public safety and his designated inspectors and employees shall file with the court a separate complaint against the vehicle or conveyance, describing the same and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the vehicle or conveyance at the time of seizure, if any. The court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any such vehicle or conveyance, and to persons unknown claiming any such right, title, interest or lien, describing the vehicle or conveyance and stating that the same was seized and that a complaint against the same, charging the specified violation, has been filed with the court, and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such vehicle or conveyance, within ten days after the service of such order as herein provided, and notifying them in substance that if they fail to so file their answer within that time, the vehicle or conveyance will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon the registered owner and upon any person who has duly filed a conditional sales contract, mortgage or other lien

instrument covering the property unless the same has been released or satisfied, and upon any other person known or believed to have any right, title, interest in, or lien upon, any such vehicle or conveyance as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth such fact, order the vehicle or conveyance sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, paid into the state treasury. If answer is filed as and within the time herein provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court shall find that the vehicle or conveyance, or any part thereof, was used in any such violation as specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as herein provided, unless the owner shall show to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving such consent he had no notice or knowledge or reason to believe that the vehicle or conveyance was intended to be used in any such violation. The officer making any such sale after deducting the expense of keeping the vehicle or conveyance, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge at the time the lien was created that such vehicle or conveyance was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury. Any sale under the provisions of this section shall operate to free the vehicle or conveyance sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure thereof, and before the hearing herein provided for, the vehicle or conveyance shall be returned to the owner or person having a legal right to possession thereof, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the vehicle or conveyance seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the vehicle or conveyance at the time of seizure.

History: *1Sp1981 c 4 art 1 s 160,161*

340.62 CERTAIN LIQUOR REGISTERED.

No licensed manufacturer or wholesaler shall manufacture or import for sale within the state, any brand of intoxicating liquor such as distilled spirits and wine, or any distilled or vinous liquor designated as a specialty, wherein such liquor is ready for sale for beverage purposes without further processing, unless the label of such brand has been registered with and approved by the commissioner. The commissioner shall hereinafter establish a register for such brand labels, which labels shall be acceptable under the following conditions:

(1) No brand of intoxicating liquor as hereinbefore described shall be manufactured or imported for sale within the state after the passage of this act unless the brand label thereof has been submitted to and approved by the commissioner. The fee for such registration shall be \$20 for each brand label.

MINNESOTA STATUTES 1981 SUPPLEMENT

1279

INTOXICATING LIQUORS 340.621

(2) The same registration and fee shall be required for any brand of liquor as hereinbefore described which has been manufactured or imported for sale within this state and in which the brand label for such brand has been filed with the commissioner and wherein the sale of such brand has been discontinued within the state by the manufacturer or wholesaler for a period of two years.

(3) After the sale of any brand of intoxicating liquor as hereinbefore described has been discontinued within this state for a period of three years by the manufacturer or wholesaler distributing it, said brand and its brand label and any and all registrations thereof in this state shall thereafter be conclusively presumed to have been abandoned by said manufacturer or wholesaler.

(4) The terms "brand" and "brand label," when used herein, shall each be construed to mean and include trademarks and designs used in connection therewith.

(5) All money received by the commissioner under the provisions of this section shall be paid to the state treasurer and such money shall be credited to the general fund.

History: 1981 c 357 s 88

340.621 INTOXICATING OR NONINTOXICATING LIQUOR; REGISTRATION OF BRAND BY OWNER.

The label of any brand of wine or intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or its authorized agent. No such brand may be imported for sale within the state without the consent of the brand owner or its authorized agent.

Nothing in this section shall be construed to repeal, limit or otherwise affect the provisions of section 340.114.

History: 1Sp1981 c 1 art 10 s 21