

## CHAPTER 340

### INTOXICATING LIQUORS

340.034	Sales; closing hours.	340.485	Taxes on wines and spirituous liquors.
340.069	Citation.	340.492	Manner and time of payment; penalties; deposit of tax proceeds.
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#### 340.034 SALES; CLOSING HOURS.

Subdivision 1. No sale of nonintoxicating malt liquor shall be made between the hours of one a.m. and eight a.m. on any weekday Monday through Saturday inclusive. Neither shall any sale of such liquor be made on any Sunday between the hours of one a.m. and twelve noon.

*[For text of subds 2 and 3, see M.S.1982]*

**History:** 1983 c 259 s 1

#### 340.069 CITATION.

Sections 340.07 to 340.353, 340.355 to 340.407, 340.493, and 340.51 may be cited as the "Intoxicating Liquor Act."

**History:** 1983 c 216 art 1 s 57

#### 340.11 LICENSES.

*[For text of subds 1 to 10b, see M.S.1982]*

Subd. 11. **On-sale licenses, including hotels, clubs, restaurants, and on-sale exclusive liquor stores.** "On-sale" licenses may be issued by municipalities for the sale of intoxicating liquors in hotels, clubs, restaurants and establishments for the sale of "on-sale" liquors exclusively within the number authorized by this section. In addition to the number of licenses authorized by this section, an "on-sale" license may be issued, if approved by the commissioner of public safety, to a bona fide club or congressionally chartered veterans' organization which has been in existence for at least three years. The club or veterans' organization must be incorporated in order to be eligible to apply for a license, and the license issued must be for the sale of intoxicating liquors to members and bona fide guests only. The license fee for an "on-sale" license issued by a municipality pursuant to this subdivision shall be in an amount determined by the governing body thereof subject to the following limitations: up to \$300 for a veterans organization or fraternal club with a membership of 200 or less; up to \$500 for a veterans organization or fraternal club with a membership of between 201 and 500; up to \$650 for a veterans organization or fraternal club with a membership of between 501 and 1,000; up to \$800 for a veterans organization or fraternal club with a membership of between 1,001 and 2,000; up to \$1,000 for a veterans organization or fraternal club with a membership between 2,000 and 4,000; up to \$2,000 for a veterans organization or fraternal club with a membership of between 4,001 and 6,000; and up to \$3,000 for a veterans organization or fraternal club with a membership of more than 6,000. For purposes of the maximum license fee which may be imposed by a municipality pursuant to this subdivision, "fraternal club"

means a club which serves only members and their guests and which uses any profits derived from these sales principally for sponsoring activities beneficial to the community and not for the benefit of any individual. Except in cities of the first, second, and third class, a license may be issued jointly to congressionally chartered veterans' organizations that otherwise qualify under this subdivision.

*[For text of subds 11a and 11b, see M.S.1982]*

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 or owned by the metropolitan sports facilities commission 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 to 14, see M.S.1982]*

Subd. 15. **Licenses not required.** It is lawful for a brewer to sell intoxicating malt beverages to his employee or to a former employee who is retired because of age or physical disability. Such beverages shall be sold for consumption off the premises only, and the amount sold to any one person in any one week shall not exceed 768 fluid ounces. The requirements of law relating to minimum prices for the sale of intoxicating malt beverages shall not apply to sales made under this subdivision, nor shall any license be required for the making of such sales. It is also lawful for a collector of commemorative bottles, as these terms are defined in section 340.44, to sell commemorative bottles to another collector without obtaining a license. It is also lawful for an off-sale licensee or municipal liquor store to provide samples of wine, liqueurs, and cordials which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

*[For text of subds 16 to 20, see M.S.1982]*

Subd. 21. **Liability insurance.** Every person licensed to sell at retail intoxicating liquor or nonintoxicating malt liquor at on-sale or off-sale shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by section 340.95, to the authority issuing the license as a condition of the issuance or renewal of his license, provided this subdivision does not apply to licensees who by affidavit establish that they are on-sale nonintoxicating malt liquor licensees with sales of less than \$10,000 of nonintoxicating malt liquor for the preceding year, or off-sale nonintoxicating malt liquor licensees with sales of less than \$20,000 of nonintoxicating malt liquor for the preceding year, or holders of on-sale wine licenses under subdivision 20, with sales of less than \$10,000 of wine for the preceding year. The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant. Proof of financial responsibility may be given by filing:

(a) A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages;

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.

(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in clause (a), or

(c) A certificate of the state treasurer that the licensee has deposited with him \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit a local governing unit from requiring higher insurance or bond coverages, or a larger deposit of cash or securities than is required hereunder, as a condition of issuance or renewal of a retail intoxicating liquor or nonintoxicating malt liquor on-sale or off-sale license.

The commissioner of insurance shall advise licensees and municipalities subject to the financial responsibility requirements of this subdivision of those persons offering insurance coverage. The commissioner of insurance shall establish a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of insurance of a representative group of insurance carriers and producers. The commissioner of insurance shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the commissioner of insurance by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of insurance to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of insurance shall, if necessary, establish an assigned risk plan pursuant to subdivision 23.

Subd. 22. **Licenses at racetracks.** An on-sale intoxicating liquor license issued by a municipality to a location at a racetrack licensed under chapter 240 may

not be transferred and is in addition to the number of on-sale intoxicating liquor licenses authorized by subdivision 5a.

**Subd. 23. Assigned risk plan.** (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of insurance may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of insurance may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of insurance determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of insurance. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of insurance shall fix the compensation received by the agent of record.

(8) The commissioner of insurance shall adopt rules, including temporary rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of insurance regarding operation of the plan; and

(c) applicable rating plans and rating standards.

**History:** 1983 c 194 s 1; 1983 c 214 s 33; 1983 c 259 s 2,3; 1983 c 320 s 1,2

**340.14 REGULATIONS.**

Subdivision 1. **Hours and days of sale.** No sale of intoxicating liquor shall be made after one a.m. on Sunday, nor until eight a.m. on Monday. No "on-sale" shall be made between the hours of one a.m. and eight o'clock a.m. on any weekday. No "on-sale" shall be made after eight o'clock p.m. on December 24. No "off-sale" shall be made before eight o'clock a.m. or after ten o'clock p.m. of any day. However, in cities of the first class, and in all cities located within a radius of 15 miles of a city of the first class within the same county, "off-sale" may be made only until eight o'clock p.m. of any day except Friday and Saturday, on which days "off-sale" may be made until ten o'clock p.m. No "off-sale" shall be made on New Years Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25; but on the evenings preceding such days, if the sale of liquor is not otherwise prohibited on such evenings, "off-sales" may be made until ten o'clock p.m., except that no "off-sale" shall be made on December 24 after eight o'clock p.m. It shall be beyond the power of any municipality of this state to authorize or permit the sale of intoxicating liquors when such sale is prohibited by this section, however, any municipality may further limit the hours of sale of intoxicating liquors, provided that such further restricted hours for "on-sale" shall apply to both intoxicating liquors and nonintoxicating malt liquors.

*[For text of subd 1a, see M.S.1982]*

Subd. 2. **Restrictions.** Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 349.26. No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale," except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale." Persons under 18 years of age may be employed as waiters or waitresses in places defined as a restaurant, hotel or motel to serve food in rooms in which only wine is sold on-sale, provided they shall not be permitted to serve or sell wine.

*[For text of subds 3 to 5, see M.S.1982]*

**History:** 1983 c 259 s 4; 1983 c 275 s 1

**340.15 REGULATION OF ADVERTISING.**

*[For text of subds 1 and 2, see M.S.1982]*

Subd. 3. This section does not apply to advertising of liquor prices by an off-sale licensee in a newspaper of general circulation published in a bordering

state if the newspaper is the primary newspaper of general circulation in the area in which the off-sale licensee is located.

**History:** 1983 c 259 s 5

### **340.353 MUNICIPAL LIQUOR STORES; ESTABLISHMENT; OPERATION.**

*[For text of subds 1 to 7, see M.S.1982]*

Subd. 8. **Financial responsibility.** Every municipal liquor store operated pursuant to subdivision 1 shall, prior to commencement or continuation of operation after August 1, 1983, demonstrate proof of financial responsibility by compliance with the requirements of section 340.11, subdivision 21.

**History:** 1983 c 320 s 3

### **340.404 LICENSES; SUSPENSION, REVOCATION.**

*[For text of subds 1 to 6, see M.S.1982]*

Subd. 7. **Appeal.** Either party may appeal from the final judgment of the district court, or from any final order in it, as in other civil cases, within ten days after service of notice of the filing of the judgment or final order. No bond on appeal shall be required. The perfecting of an appeal operates to stay all proceedings until the final determination of the appeal. The commissioner shall not refuse to issue a license to any licensee during the time that an appeal from an order of suspension or revocation of license is pending.

*[For text of subd 8, see M.S.1982]*

**History:** 1983 c 247 s 134

### **340.408 JOINT PURCHASES.**

No variable volume price or discount shall be offered to a retailer for a quantity of distilled liquor or wine in excess of 300 liter or smaller bottles. The joint purchase for resale to the general public of 300 or fewer liter or smaller bottles of distilled liquor or wine by more than one person lawfully permitted to sell distilled liquor or wine to the general public is lawful. No rule or regulation pursuant to this chapter shall prohibit a lawful purchase pursuant to this section.

**History:** 1983 c 320 s 4

**NOTE:** This section was also amended by Laws 1983, chapter 259, section 6, to read as follows:

**"340.408 JOINT PURCHASES.**

No variable volume price or discount shall be offered to a retailer for a quantity of distilled spirits or wine in excess of 300 liter or smaller bottles. The joint purchase for resale to the general public of 300 or fewer liter or smaller bottles of distilled spirits or wine by more than one person lawfully permitted to sell distilled spirits or wine to the general public is lawful. No rule or regulation pursuant to this chapter shall prohibit a lawful purchase pursuant to this section."

### **340.485 TAXES ON WINES AND SPIRITUOUS LIQUORS.**

Subdivision 1. **Manner and time of payment; penalties; deposit of tax proceeds.** The tax on wines and spirituous liquors, on which the excise tax has not been previously paid, shall be paid to the commissioner of revenue by persons having on file with the commissioner of revenue a sufficient bond as provided in subdivision 2 on or before the tenth day of the month following the month in which the first sale is made in this state by a licensed manufacturer or wholesaler. Every such person liable for any tax on wines or spirituous liquors imposed by section 340.47 shall file with the commissioner of revenue on or before the tenth

day of the month following first sale in this state by a licensed manufacturer or wholesaler a return in such form and showing such information as the commissioner of revenue shall by rule prescribe, and shall keep records and render reports as the commissioner of revenue shall by rule prescribe. Any person liable for any tax on wines or spirituous liquors not having on file a sufficient bond shall pay the tax within 24 hours after first sale in this state. The commissioner of revenue shall pay all moneys received in the general fund. The commissioner of revenue may certify to the commissioner of public safety any failure to pay taxes when due as a violation of a statute relating to the sale of intoxicating liquor for possible revocation or suspension of license under section 340.135.

If any person fails to pay the tax within the time specified or within 30 days after final determination of an appeal to the Minnesota tax court relating thereto, there shall be added a penalty equal to ten percent of the amount so remaining unpaid. The penalty shall be collected as part of the tax, and the amount of the tax not timely paid, together with the penalty, shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid.

*[For text of subs 2 and 3, see M.S.1982]*

**Subd. 5. Failure to file return; penalty.** In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to willful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.

For the purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

**Subd. 6. Intent to evade tax; failure to file or filing false return; penalty.** Where any person, with intent to evade the tax, fails to file any return required or shall with intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.

**History:** 1983 c 222 s 38-40

### **340.492 MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.**

**Subdivision 1. Filing date; time of payment.** The commissioner of revenue shall issue rules adopting the reporting method for paying and collecting the excise tax on fermented malt beverages. The rules shall require reports to be filed with and the excise tax to be paid to the commissioner on or before the fifteenth day of

the month following the month in which the importation into or the first sale is made in this state, whichever first occurs. If the excise tax is not paid when due, there shall be added to the amount of the tax as penalty a sum equivalent to ten percent thereof, and in addition thereto interest on the tax and penalty at the rate of 20 percent per annum, adjusted as provided in section 270.75, from the date the tax became due until paid. The commissioner shall deposit all moneys received in the funds as provided by section 340.47, subdivision 2.

**Subd. 2. Failure to file return.** In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to willful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.

For purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

**Subd. 3. Intent to evade tax; failure to file or filing false return.** Where any person, with intent to evade the tax, fails to file any return required or shall with such intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.

**History:** 1983 c 222 s 41

### 340.54 UNSTAMPED LIQUOR.

*[For text of subd 1, see M.S.1982]*

**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 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 it 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, the vehicle or conveyance, and to persons unknown claiming any such right,



title, interest or lien, describing the vehicle or conveyance and stating that (1) it was seized and that a complaint against it, charging the specified violation, has been filed with the court, (2) requiring the 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 the vehicle or conveyance, within ten days after the service of the order, and (3) notifying them in substance that if they fail to 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 it has been released or satisfied, and upon any other person known or believed to have any right, title, interest in, or lien upon, the 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 within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth that fact, order the vehicle or conveyance sold by the commissioner or his agents. The proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, shall be paid into the state treasury. If answer is filed within the time 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 fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil cases. If the court finds that the vehicle or conveyance, or any part of it, was used in the violation specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as provided by law, unless the owner shows to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving 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 the 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 the vehicle or conveyance was being used or was intended to be used for or in connection with any 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 on it, and appeal from the order of the district court will lie as in other civil cases. At any time after seizure, and before the hearing provided for, the vehicle or conveyance shall be returned to the owner or person having a legal right to possession of it, upon execution by him of a good and valid bond to the state, 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 of it, 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:** 1983 c 247 s 135

### 340.85 OFFICERS, DUTIES.

*[For text of subd 1, see M.S.1982]*

**Subd. 2. Notification.** When any municipal liquor store or licensed dealer in intoxicating liquor or nonintoxicating fermented malt beverages, his agent or

employee is convicted of (1) a violation of any provision of any law or ordinance regulating the sale of alcoholic beverages or (2) any violation of law or ordinance in the operation of the licensed premises, the clerk of court shall, within ten days after the conviction, mail a written notice of conviction to the clerk of the municipality or the county auditor of the county having jurisdiction to issue alcoholic beverage licenses for the premises. A copy of the notice shall also be mailed to the office of the commissioner of public safety.

**History:** 1983 c 359 s 26

#### **340.91 CONDUCTORS TO ARREST.**

The conductor of any railway train or street car shall summarily arrest, with or without a warrant, any person violating any of the provisions of sections 340.88 to 340.93. For this purpose, the conductor has the same power and authority as any peace officer, including the power to summon assistance, and to deliver the person arrested to any public officer of the county in which the offense was committed. It shall be the duty of the officer to bring the person charged with the offense before the nearest county or municipal court of the county where the offense was committed and to make a complaint against the person. A complaint made upon information and belief of the officer is sufficient.

**History:** 1983 c 359 s 27

#### **340.983 FILING OF WHOLESALE PRICE SCHEDULE.**

No brand owner or wholesaler of distilled spirits or wine shall sell, offer for sale, or solicit any order for distilled liquor or wine unless a schedule of wholesale prices, which shall include varying volume prices, is filed with the commissioner, on a form prescribed by him, and no sales shall be made except in accordance with these prices. Forms shall provide for the listing of the price, including any varying volume prices, at which each brand distributed by the filing wholesaler or brand owner is sold. The commissioner shall maintain filings in such a manner as to make their contents easily accessible to the public. The filings required under this section shall be made not later than the first day of each month, and the schedule of filed prices shall be effective from that day until the first day of the next month, provided that any filing may be amended within five days after its filing. The commissioner shall provide copies of filings to any person requesting them, and may charge a reasonable fee therefor. Any person may examine filings in the office of the commissioner, and no charge shall be made for such examination.

**History:** 1983 c 259 s 7; 1983 c 320 s 5

**340.986** [Repealed, 1983 c 342 art 6 s 13]