

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1136

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BEER AND WINE; AMENDING SECTION 23-1031, IDAHO CODE, TO PROVIDE FOR A DEPOSIT ACCOUNT; AND AMENDING SECTION 23-1326, IDAHO CODE, TO PROVIDE FOR A DEPOSIT ACCOUNT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-1031, Idaho Code, be, and the same is hereby amended to read as follows:

23-1031. EXTENSION OF CREDIT. No sale or delivery of beer shall be made to any licensed retailer, except for cash paid at the time of or prior to delivery thereof, and in no event shall any brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale extend any credit on account of such beer to a licensed retailer, nor shall any licensed retailer accept or receive delivery of such beer except when payment therefor is made in cash at the time of or prior to delivery thereof. Upon the request of a licensed retailer, a licensed brewer, wholesaler or dealer shall establish a deposit account for such licensed retailer for the prepayment of beer prior to delivery. The acceptance of a first party check from a licensed retailer by a brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale, or the use of electronic funds transfer or debit card by a licensed retailer, shall not be deemed an extension or acceptance of credit hereunder. Any extension or acceptance of credit in violation hereof shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of section 23-1033, Idaho Code.

SECTION 2. That Section 23-1326, Idaho Code, be, and the same is hereby amended to read as follows:

23-1326. CREDIT SALES TO RETAILERS PROHIBITED. No sale or delivery of wine shall be made to any retailer, except for cash paid at the time of or prior to delivery thereof, and in no event shall any distributor extend any credit on account of such wine to a retailer, nor shall any retailer accept or receive delivery of such wine except when payment therefor is made in cash at the time of or prior to delivery thereof. Upon the request of a licensed retailer, a distributor shall establish a deposit account for such licensed retailer for the prepayment of wine prior to delivery. The acceptance of a first party check from a retailer by a distributor, or the use of electronic funds transfer or debit card by a licensed retailer, shall not be deemed an extension of or acceptance of credit hereunder. Any extension or acceptance of credit in violation of this section shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of section 23-1325, Idaho Code.