

1 SB56  
2 155246-3  
3 By Senator Sanford  
4 RFD: Judiciary  
5 First Read: 14-JAN-14  
6 PFD: 12/18/2013

1 SB56

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4 ENROLLED, An Act,

5 To amend Section 28-3A-20.1 of the Code of Alabama  
6 1975, authorizing certain licensees of the Alcoholic Beverage  
7 Control Board to remove a recorked or resealed bottle of wine  
8 from the licensed premises; to delete certain language in the  
9 law providing that the recorked or resealed bottle would not  
10 be considered an open container of alcoholic beverages; and to  
11 specifically provide for the manner of transportation of a  
12 recorked or resealed bottle of wine in a motor vehicle  
13 considering the type of storage space in the vehicle.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 28-3A-20.1 of the Code of Alabama  
16 1975, is amended to read as follows:

17 "§28-3A-20.1.

18 "Notwithstanding any provision of this chapter to  
19 the contrary, a person holding a license to sell alcoholic  
20 beverages for consumption on the licensed premises may permit  
21 a customer to remove one unsealed bottle of wine for  
22 consumption off the premises if the customer has purchased and  
23 consumed a portion of the bottle of wine on the licensed  
24 premises. The licensee or the licensee's agent shall either:  
25 (1) recork the bottle of wine with the original or similar

1 type cork that is reinserted in the bottle and the cork can  
2 only be removed by a corkscrew or similar device; or (2)  
3 securely reseal the bottle in a bag designed so that it is  
4 visibly apparent that the resealed bottle of wine has not been  
5 tampered with and shall provide a dated receipt for the  
6 resealed bottle of wine to the customer. A wine bottle  
7 recorked or resealed pursuant to the requirements of this  
8 section is otherwise subject to the requirements of Section  
9 32-5A-330, ~~but a bottle of wine complying with this section~~  
10 shall not be considered open as further provided herein. The  
11 recorked or resealed bottle of wine, if transported in a motor  
12 vehicle, shall be placed in a locked trunk; in a storage or  
13 luggage compartment; in a locked glove compartment; in a  
14 storage or cargo compartment in the bed of a pickup truck or  
15 in a locked case placed in an area not readily accessible  
16 behind the front seat of a pickup truck if the truck has no  
17 trunk or separate enclosed area other than the truck cab; or  
18 in the area behind the last upright seat of a motor vehicle  
19 which is not equipped with a trunk."

20 Section 2. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB56  
Senate 23-JAN-14  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 05-MAR-14

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By: Senator Sanford