

H.B. 198

HEAVY BEER AMENDMENTS

Representative **Curtis Oda** proposes the following amendments:

1. *Page 1, Line 15:*

15 {~~→ modifies powers and duties of the department;~~}

2. *Page 2, Lines 35 through 36:*

35 Other Special Clauses:

36 {~~None~~} **This bill takes effect on July 1, 2014.**

3. *Page 2, Line 41:*

41 {~~32B-2-204, as enacted by Laws of Utah 2010, Chapter 276~~}

4. *Page 25, Line 745 through Page 26, Line 788:*

745 { ~~Section 3. Section 32B-2-204 is amended to read:~~
746 ~~———— 32B-2-204. Powers and duties of the department -- Immunity:~~
747 ~~———— (1) (a) The department shall control liquor merchandise inventory including:~~
748 ~~———— [(a)] (i) listing and delisting a product;~~
749 ~~———— [(b)] (ii) the procedures for testing a new product;~~
750 ~~———— [(c)] (iii) purchasing policy;~~
751 ~~———— [(d)] (iv) turnover requirements for a regularly coded product to be continued; and~~
752 ~~———— [(e)] (v) the disposition of discontinued, distressed, or unsaleable merchandise.~~
753 ~~———— (b) The department shall list and delist heavy beer that may be sold by a beer~~
754 ~~wholesaler licensee.~~
755 ~~———— (2) (a) The department shall report to the governor on the administration of this title:~~
756 ~~———— (i) as the governor may require; and~~
757 ~~———— (ii) annually by no later than November 30, for the fiscal year ending June 30 of the~~
758 ~~year in which the report is made.~~
759 ~~———— (b) A report under this Subsection (2) shall contain:~~
760 ~~———— (i) a statement of the nature and amount of the business transacted by the department~~
761 ~~during the year;~~
762 ~~———— (ii) a statement of the department's assets and liabilities including a profit and loss~~
763 ~~account, and other accounts and matters necessary to show the results of operations of the~~
764 ~~department for the year;~~
765 ~~———— (iii) general information on the application of this title in the state; and~~

766 ~~—— (iv) any other information requested by the governor;~~
767 ~~—— (c) The department shall submit a copy of a report described in this Subsection (2) to~~
768 ~~the Legislature.~~
769 ~~—— (3) The department shall maintain insurance against loss on each motor vehicle~~
770 ~~operated by it on any public highway. A motor vehicle shall be covered for:~~
771 ~~—— (a) liability imposed by law upon the department for damages from bodily injuries~~
772 ~~suffered by one or more persons by reason of the ownership, maintenance, or use of the motor~~
773 ~~vehicle; and~~
774 ~~—— (b) liability or loss from damage to or destruction of property of any description,~~
775 ~~including liability of the department for the resultant loss of use of the property, which results~~
776 ~~from accident due to the ownership, maintenance, or use of the motor vehicle.~~
777 ~~—— (4) (a) The department may sue, be sued, and defend in a proceeding, in a court of law~~
778 ~~or otherwise, in the name of the department.~~
779 ~~—— (b) An action may not be taken:~~
780 ~~—— (i) against the commission; or~~
781 ~~—— (ii) in the name of a commissioner.~~
782 ~~—— (5) The department is liable to respond in damages in a case if a private corporation~~
783 ~~under the same circumstances would be liable.~~
784 ~~—— (6) (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies in an action~~
785 ~~commenced against the department for damages sustained as a result of department ownership,~~
786 ~~maintenance, or use of a motor vehicle under Subsections (4) and (5):~~
787 ~~—— (b) In an action described in Subsection (6)(a), the commission and each commissioner~~
788 ~~are immune from suit. }~~

5. *Page 53, Lines 1618 through 1619:*

1618 (a) prohibit the person receiving the heavy beer from returning the heavy beer to the
1619 beer wholesaler licensee **or the department** ; and

6. *Page 57, Line 1753:*

1753 (e) a freight embargo.

Section 24. Effective date.
This bill takes effect on July 1, 2014.

Renumber remaining sections accordingly