

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1389

Short Title: Clarify Wineries Wholesale License. (Public)

Sponsors: Representatives Gibson and Harrell (Primary Sponsors).

Referred to: Alcoholic Beverage Control.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION
3 AGREEMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 18B-1200 reads as rewritten:

6 "**§ 18B-1200. Construction; findings and ~~purpose~~purpose; exceptions.**

7 (a) This Article shall be liberally construed and applied to promote its underlying
8 purposes and policies.

9 (b) The underlying purposes and policies of the Article are:

- 10 (1) To promote the compelling interest of the public in fair business
11 relations between wine wholesalers and wineries, and in the
12 continuation of wine wholesalerships on a fair basis;
13 (2) To protect wine wholesalers against unfair treatment by wineries;
14 (3) To provide wine wholesalers with rights and remedies in addition to
15 those existing by contract or common law; and
16 (4) To govern all wine wholesalerships, including any renewals or
17 amendments, to the full extent consistent with the Constitution of this
18 State and the United States.

19 (c) The effect of this Article may not be waived or varied by contract or
20 agreement. Any contract or agreement purporting to do so is void and unenforceable to
21 the extent of that waiver or variance.

22 (d) A North Carolina winery holding a valid wine wholesaler permit issued
23 pursuant to G.S. 18B-1101(7) and G.S. 18B-1107, when acting as its own master
24 wholesaler, shall not be subject to the provisions of G.S. 18B-1204, 18B-1205, and
25 18B-1207."

26 **SECTION 2.** This act is effective when it becomes law. This act shall be
27 effective prospectively only and shall not apply to pending litigation or claims that
28 accrued before the effective date of this act.