

**Title II – DEPARTMENT OF PUBLIC SAFETY
Division 70-Division of Alcohol and Tobacco Control
Chapter 2-Rules and Regulations**

PROPOSED AMENDMENT

11 CSR 70-2.170 Warehouse Receipts for Storage of Intoxicating Liquor.

The division is amending sections (1) through (4).

Purpose – To revise this section that defines warehouse receipts and establish rules governing their use in business practices, to reflect the Division’s name change to Division of Alcohol and Tobacco Control in all applicable sections.

(1) *[Section 311.380, RSMo makes it a misdemeanor for any person to sell, offer for sale or give away any warehouse receipt(s) of intoxicating liquor without first securing the permission of the supervisor of [liquor] **alcohol and tobacco control** to do so.]* The term warehouse receipt, as used in section 311.380, RSMo, is defined to mean any warehouse receipt issued for the storage of intoxicating liquor which can be negotiated and any nonnegotiable warehouse receipt which can be assigned, transferred or sold.

(2) Any person¹, *[firm or corporation]* **or entity** licensed by the supervisor of *[liquor] **alcohol and tobacco control** [of Missouri]* to sell intoxicating liquor may pledge any warehouse receipt(s) owned by him/her to secure the payment of any debt to any *[firm,]person or [corporation] **entity*** in Missouri. Any Missouri state bank or trust company which is a member of the Federal Reserve System and any national bank with its principal office in Missouri may repledge with a federal reserve bank any warehouse receipts of which it is the pledgee.

(A) In case of default in the terms of the pledge agreement, the pledgee or the assignee of the pledge agreement may not negotiate, assign, transfer or sell any warehouse receipt(s) without first obtaining the permission of the supervisor of *[liquor] **alcohol and tobacco control*** to do so.

(B) Request for permission *[shall be made]* **can be submitted** by the pledgee to the supervisor of *[liquor] **alcohol and tobacco control*** in writing and *[in the request the pledgee shall state]* **include** the name of the proposed purchaser and *[shall state]* whether or not the proposed purchaser intends to take possession of the liquor under the receipt(s). Under no circumstances *[shall]* **may** permission be given to the pledgee to sell any of the warehouse receipt(s) to any person¹, *[firm or corporation]* **or entity** which intends to take possession of intoxicating liquor described in the receipt(s) unless the proposed purchaser is duly licensed as a wholesaler or manufacturer by the supervisor of *[liquor] **alcohol and tobacco control*** in Missouri.

(C) The pledgee seeking the permission to sell the warehouse receipt(s) *[shall]* **should** accompany the request by a *[photostatic]* copy of the pledge agreement

and a [*photostatic*] copy of the warehouse receipt(s) which s/he desires to sell, together with an inventory of the liquor covered by the receipts, unless the inventory is contained in the receipts.

(3) Under no circumstances [*shall*] **may** any person[, *firm or corporation*] **or entity** licensed by the supervisor of [*liquor*] **alcohol and tobacco** control import or cause to be imported or transport or cause to be transported into the state any intoxicating liquor which has been sold out of the state to satisfy the payment of any debt contracted outside of the state.

(4) No person[, *firm or corporation*] **or entity** [*shall*] **may** be granted permission to sell warehouse receipts and no licensee of the supervisor of [*liquor*] **alcohol and tobacco** control [*shall*] **may** be given permission to purchase any warehouse receipt(s) unless the person[, *firm or corporation*] **or entity** seeking permission, either to sell or to buy, [*shall*] **agrees** as a condition precedent to the granting of any permission that s/he shall make regular monthly reports for each calendar month by the fifteenth of the following month in accordance with forms designated by the supervisor of [*liquor*] **alcohol and tobacco** control. [*and unless the reports are made, a*]Any permission given will be promptly revoked **unless the reports are made.**

AUTHORITY: section 311.660, RSMo Supp.[1989] **2018**. * This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. *Original authority: 311.660, RSMo 1939, amended 1989. **Amended: Filed October 10, 2018.**

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Alcohol and Tobacco Control at 1738 East Elm Street, Lower Level in Jefferson City, Mo 65101 or by facsimile at 573-526-4540, or via email at Karen.Dorton@dps.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*