

243.200 Transporter's license, authority for issuance to certain motor carriers or to common carrier -- Holder's privileges, duties, and restrictions -- Delivery or shipment of alcoholic beverages with adult-signature-only service -- Authority to examine vehicle and cargo -- When transporter's license not required -- Conveyances to be made in properly marked vehicle -- Required maintenance of books and records.

- (1) A transporter's license may be issued as a primary license to a motor carrier authorized to transact business in the Commonwealth by the Transportation Cabinet or the Federal Motor Carrier Safety Administration or to another person engaged in business as a common carrier. A person holding a transporter's license may transport alcoholic beverages to or from the licensed premises of any licensee under this chapter to an individual consumer if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, deliver, ship, or receive the alcoholic beverages.
- (2) A transporter may deliver or ship directly to consumers over twenty-one (21) years of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and must request adult-signature-only service from the carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age or to knowingly deliver or ship alcoholic beverages into areas of the state in which alcoholic beverages are not legally sold.
- (3) Except for a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, the holder of a transporter's license shall cause each truck or vehicle to display the name of the licensee and the state license numbers in a manner prescribed by an administrative regulation promulgated by the board.
- (4) Except for an application by a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, an application for a transporter's license shall include a statement that the applicant, if issued a license, shall allow any authorized investigators of the department to stop and examine the cargo of any truck or vehicle in which alcoholic beverages are being transported within the boundaries of the Commonwealth of Kentucky.
- (5) Applicants for the transporter's license under this section, and their employees, shall be exempt from the residency requirements of KRS 243.100.
- (6) A licensee may move, within the same county, alcoholic beverages from one (1) of the licensee's licensed premises to another without a transporter's license. A licensee may move alcoholic beverages from one (1) of the licensee's licensed premises located in one (1) county to a licensed premises located in another county, without a transporter's license, with prior written approval of the administrator for good cause shown. The licensee shall keep and maintain, in one (1) of its licensed premises, adequate books and records of the transactions involved in transporting alcoholic beverages from one (1) licensed premises to another in accordance with standards

established in administrative regulations promulgated by the board. The records shall be available to the department and the Department of Revenue upon request.

- (7) Distilled spirits and wine may be transported by any licensed retailer selling distilled spirits or wine, by the package or by the drink, from the premises of a licensed wholesaler to the licensed premises of the retail licensee. Any retailer transporting alcoholic beverages under this subsection shall do so in a vehicle marked in conformity with administrative regulations of the board. Both the wholesaler and the retailer engaging in activity under this subsection shall be responsible for maintaining records documenting the transactions.

Effective: April 13, 2018

History: Amended 2018 Ky. Acts ch. 164, sec. 5, effective April 13, 2018. -- Repealed and reenacted 2017 Ky. Acts ch. 62, sec. 58, effective June 29, 2017; and amended 2017 Ky. Acts ch. 177, sec. 6, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 22, sec. 14, effective July 15, 2014. -- Amended 2013 Ky. Acts ch. 121, sec. 66, effective June 25, 2013. -- Amended 2010 Ky. Acts ch. 24, sec. 570, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 85, sec. 648, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 37, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 295, sec. 1, effective July 15, 1998. -- Amended 1966 Ky. Acts ch. 255, sec. 214. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2554b-124, 2554b-154, 2554b-190.

Legislative Research Commission Note (6/29/2017). This statute was repealed and reenacted by 2017 Ky. Acts ch. 62, sec. 58 and amended by 2017 Ky. Acts ch. 177, sec. 6. Pursuant to KRS 446.260, the repeal and reenactment in 2017 Ky. Acts ch. 62, sec. 58 prevails.

Legislative Research Commission Note (7/15/2014). As amended by 2014 Ky. Acts ch. 22, sec. 14, subsection (9)(b) of this statute contains an erroneous reference to "residence requirements" of KRS 244.090. Although certain licensees were previously prohibited from employing any person who "has not had an actual bona fide residence in this Commonwealth for at least one (1) year" or "is not a citizen of the United States," the General Assembly removed the state residency requirement from that statute in 1978 Ky. Acts ch. 194, sec. 19, and the national citizenship requirement in 1998 Ky. Acts ch. 522, sec. 20. The reference to KRS 243.100 is correct.