

DRAFT
FOR DISCUSSION ONLY

REGISTRATION AND LICENSING OF DIRECT-TO- CONSUMER SALES OF WINE AND THE PREVENTION OF ILLEGAL SALES

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

[Initial Draft for Review]



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By
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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December 10, 2019

Note to reporters: The drafting template contains examples of possible text for a uniform act.

Delete any text that is not applicable to your act.

Bracketed text should remain as shown.

Insert or delete text in field designated by "{ }".

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The National Conference of Commissioners on Uniform State Laws (NCCUSL), also known as Uniform Law Commission (ULC), now in its [____]th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

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OF DIRECT-TO-CONSUMER SALES OF WINE AND THE PREVENTION
OF ILLEGAL SALES**

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**REGISTRATION AND LICENSING OF DIRECT-TO-CONSUMER SALES OF WINE
AND THE PREVENTION OF ILLEGAL SALES**

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{INSERT NAME OF ACT}

SECTION 1. SHORT TITLE. This [act] may be cited as the {insert name of act}.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2)

(3)

(4) “Person” means an individual, estate, business or nonprofit entity, [public corporation, government or governmental subdivision, agency, or instrumentality,] or other legal entity. [The term does not include a public corporation, government or governmental subdivision, agency, or instrumentality.]

(5) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. [The term includes a federally recognized Indian tribe.]

(8)

Legislative Note: *The state should {insert explanatory text regarding bracketed choices or related policy decisions}.*

{Comment

Insert text here if a Comment is intended. Delete the Comment heading if there is no Comment. }

SECTION 3. {Insert section title, e.g. {SCOPE.} {APPLICABILITY.}

{EXCEPTIONS.} {EXCLUSIONS.}}

Legislative Note: The state should {insert explanatory text regarding bracketed choices or related policy decisions}.

{Comment

Insert text here if a Comment is intended. Delete the Comment heading if there is no Comment. }

SECTION 4. {Insert section title, e.g. ADMINISTRATIVE AND PROCEDURAL PROVISIONS.}

(a)

(b)

(c)

Legislative Note: The state should {insert explanatory text regarding bracketed choices or related policy decisions}.

{Comment

Insert text here if a Comment is intended. Delete the Comment heading if there is no Comment. }

SECTION 5. {Insert section title, e.g. SUBSTANTIVE PROVISIONS.}

(a)

(b)

(c)

Legislative Note: The state should {insert explanatory text regarding bracketed choices or related policy decisions}.

{Comment

Insert text here if a Comment is intended. Delete the Comment heading if there is no Comment. }

SECTION 6. {Insert section title, e.g. {REMEDIES.} {PROHIBITIONS AND PENALTIES.}}

Legislative Note: The state should {insert explanatory text regarding bracketed choices or related policy decisions}.

{Comment

Insert text here if a Comment is intended. Delete the Comment heading if there is no Comment. }

SECTION 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 8. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This [act] modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

{SECTION 9. SAVINGS OR TRANSITIONAL PROVISIONS.

Insert a savings or transitional provision, or both, if necessary to clarify the effect of the act on existing relationships. For example:

SECTION 9. SAVINGS CLAUSE. This [act] does not affect the validity or effect of a notarial act performed before [the effective date of this [act]].

or

SECTION 9. TRANSITIONAL PROVISION. This [act] applies to a proceeding

commenced on or after [the effective date of this [act]].}

[SECTION 10. SEVERABILITY. If any provision of this [act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]

Legislative Note: Include this section only if this state lacks a general severability statute or a decision by the highest court of this state stating a general rule of severability.

SECTION 11. REPEALS; CONFORMING AMENDMENTS.

(a)

(b)

(c)

Legislative Note: The state should examine its statutes regarding { } to determine whether conforming revisions are required to { } In particular, the state should review its statutes in light of the provisions of this act relating to:

{ } See Section { }.

{ } See Section { }.

SECTION 12. EFFECTIVE DATE. This [act] takes effect