

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 834

Introduced by Schumacher, 22.

Read first time January 08, 2016

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 section 53-101, Revised Statutes Supplement, 2015; to prohibit the
- 3 retail sale of alcohol at or below cost; to provide for damages,
- 4 attorney's fees, and civil penalties as prescribed; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Supplement, 2015, is
2 amended to read:

3 53-101 Sections 53-101 to 53-1,122 and sections 2 to 4 of this act
4 shall be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. The Legislature finds that the retail sale of alcohol at or
6 below the retail licensee's cost is anticompetitive and an unfair trade
7 practice.

8 Sec. 3. No person holding a Class B or Class D retail license shall
9 knowingly sell alcoholic liquor at a price below the cost paid per bottle
10 by the retail licensee to the wholesale licensee plus any shipping or
11 delivery charges paid by the retail licensee.

12 Sec. 4. Any individual may bring a civil action to enforce section
13 3 of this act. The action shall be brought in the district court of the
14 county in which the licensed premises of the retailer alleged to have
15 violated such section is located. In addition to injunctive relief, if
16 the court finds that the plaintiff has been damaged thereby, it may award
17 damages, court costs, and reasonable attorney's fees.

18 Sec. 5. Original section 53-101, Revised Statutes Supplement, 2015,
19 is repealed.