

**ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD  
ADMINISTRATIVE CODE**

**CHAPTER 20-X-10  
DISPOSITION OF ALCOHOLIC BEVERAGES**

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20-X-10-.01	<b><u>Disposition Of Alcoholic Beverages Under Execution Of A Valid Judgment.</u></b>

(1) Alcoholic beverages legally purchased and lawfully possessed by an ABC Board licensee which are levied upon as an execution of a valid judgment against such licensee shall be sold under the provisions herein.

(2) An inventory shall be compiled of all alcoholic beverages on the licensee's premises. Any law enforcement official executing such levy shall contact the ABC Board, furnishing them a copy thereof.

(3) The ABC Board may purchase merchandisable distilled spirits and wines at 80% of the wholesale list price or approve the sale to another ABC Board licensee. Any other manner of disposition shall be prohibited.

(4) Sales of beer and table wine may be made to another licensed alcoholic beverage retailer or wholesaler when approved by the ABC Board.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §28-3-49.

**History: Repealed and New:** Filed August 21, 1998; effective October 16, 1998.

20-X-10-.02	<b><u>Disposition Of Alcoholic Beverages Under Confiscation.</u></b>
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(1) Any alcoholic beverages with unbroken seals, which are condemned by an order of a court, or without an order of a court, within 10 days after a conviction, shall be delivered to an ABC Board agent by the beverage custodian. The ABC Board shall

purchase all liquor and fortified wine which it deems to be in merchandisable condition and payment shall be made to the Clerk of the Court in the county in which said order or forfeiture was entered. Confiscated alcoholic beverages which are deemed not to be in merchandisable condition shall be destroyed.

(2) The following amounts are deemed reasonable for such purchase by the ABC Board for each quantity mentioned regardless of brand:

Liquor: \$.10 per miniature/50 ML

\$.40 per half pint/200 ML

\$.75 per pint/500 ML

\$1.25 per quart or 4/5 quart/liter or 750 ML

\$2.50 per ½ gallon/1.75 liters

Fortified Wine: \$.25 per pint/375 ML

\$.50 per quart/liter

\$1.00 per half gallon/1.5 liters

(3) All confiscated liquor and fortified wine in merchandisable condition which are of the brand and type sold in state liquor stores shall be sold by the ABC Board at list price. Confiscated liquor and fortified wine which are not listed by the state liquor stores, shall be sold through state liquor stores designated by the ABC Board at the following prices regardless of the brand:

Liquor: \$.20 per miniature/50 ML

\$.80 per half pint/200 ML

\$1.50 per pint/500 ML

\$2.50 per quart or 4/5 quart/liter or 750 ML

\$5.00 per half gallon/1.75 liters

Fortified Wine: \$.50 per pint/375 ML

\$1.00 per quart/liter

\$2.00 per half gallon/1.75 liters

(4) All confiscated beer and table wine in merchandisable condition shall be sold by the ABC Board to a licensed wholesaler selling the brand so confiscated at 20% below their current wholesale cost. Any wholesaler purchasing said merchandise shall be responsible for paying all applicable state and local taxes. No

wholesaler shall be obligated to purchase such beer or table wine, and if the ABC Board is unable to find a licensed wholesaler willing to purchase, then in such event, the beer and table wine shall be destroyed by the ABC Board. All sums received from the sale of beer and table wine shall be paid to the Clerk of the Court.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §§28-3-49; 28-4-273.

**History: Repealed and New:** Filed August 21, 1998; effective October 16, 1998.

### 20-X-10-.03      Confiscation Of Vehicles.

(1) Should any alcoholic beverages not being transported or possessed in accordance with the provisions of these rules and regulations and/or state law be found in any vehicle, which said vehicle either:

(a) Bears an Alabama license plate; or

(b) Is the property of or being operated by an Alabama resident; or

(c) Is moving alcoholic beverages within or into Alabama other than through ABC Board approved interstate commerce or as otherwise approved by the ABC Board. Then in any of these events, it is prima facie evidence that such alcoholic beverages are within such vehicle and are being transported within Alabama for purposes of sale, or being possessed, transported, used, and/or introduced into Alabama for the purpose and intention of violating Alabama statutes, including avoidance of payment of duly levied taxes thereon.

(2) The ABC Board, prior to the return of any vehicle to a violator, claimant or lien holder, shall be bound by the following terms and conditions:

(a) The ABC Board shall not release a vehicle to a violator unless it finds as a matter of fact, no intention on the part of the violator to disobey appropriate Alabama laws. A previous conviction for violation of prohibition laws shall constitute prima facie evidence that said actions of the violator were intentional.

(b) There must be a finding by the ABC Board that any other claimant or lien holder of such vehicle has not violated any prohibition laws and could not with reasonable diligence have ascertained that such vehicle would likely be used to violate said prohibition laws.

(c) Any previous conviction by the violator of prohibition laws or an established reputation by the violator for illegal dealings in alcoholic beverages shall constitute prima facie evidence that such claimant or lien holder did not use reasonable diligence in ascertaining or discovering that such vehicle would likely be used to violate said prohibition laws.

(d) In cases where the ABC Board shall release such vehicle back to either the violator, other claimant or lien holder, there shall be paid to the ABC Board an amount determined by the ABC Board for reimbursement of reasonable costs and expenses associated with the seizure, transportation, advertising, storage, and investigation of said vehicle. In no event shall this amount be less than \$200.00.

(e) Prior to the return of any vehicle under this section to a claimant or lien holder, the ABC Board shall receive written assurance therefrom that said vehicle shall not be returned to the violator for use, possession or ownership without the expressed written permission of the ABC Board.

(3) Any vehicle legally obtained by the ABC Board under provisions of this section may be used for lawful state purposes as determined by the ABC Board.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §28-3-49.

**History: Repealed and New:** Filed August 21, 1998; effective October 16, 1998.