

Article 17 - MISCELLANEOUS

(Last amended in 2008)

14-17-1. Surety bonds; form and requirements. All bonds required to be executed under the provisions of the act or the rules and regulations of the director shall be to the state director of alcoholic beverage control for and on behalf of the state of Kansas, and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas. Each said bond shall be countersigned by a Kansas resident agent whose authority to sign said bond shall be evidenced by a duly and properly executed power of attorney, and said power of attorney shall be attached to each said bond at the time of filing the same with the director.

(Authorized by K.S.A. 41-211, 41-317, 41-404, 41-408, 41-409, 41-505, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)

14-17-2. Sacramental wine, importation, sale, transportation, and delivery. No license of any kind shall be required of any person to ship wine into this state which is to be used exclusively for sacramental purposes, when such wine is shipped by common carrier and consigned to any bona fide priest, pastor, bishop, rabbi, preacher or minister of the gospel of any religious faith or denomination, and the container, barrel, case, or carton thereof is plainly and legibly labeled: "Wine to be used exclusively for sacramental purposes"; and no licenses or transportation permit, shall be required for the importation and the delivery, transportation, or distribution within this state of any such wine when it is consigned to any such bona fide priest, pastor, bishop, rabbi, preacher or minister of the gospel, and the container, barrel, case, or carton is plainly and legibly labeled as above required.

(Authorized by K.S.A. 41-211, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)

14-17-3. Sheriffs' sales of confiscated liquor; sheriff to make report of sales to director. Whenever any identification stamps shall be sold to a sheriff to be placed upon confiscated alcoholic liquors which he has been authorized to sell by a court having authority to issue such an order of sale, the sheriff conducting said sale shall make a return under oath to the director which return shall show: The names and addresses of the person or persons to whom such alcoholic liquor was sold, the quantity of each particular type, brand and kind of alcoholic liquor sold to each purchaser, and if any purchaser is a licensed distributor or retailer the license number of said purchaser shall be shown upon said return.

(Authorized by K.S.A. 41-211, 41-306, 41-504, 41-708, 41-1106, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)

14-17-4. Subterfuge in effort to circumvent rules deemed violation. Any act which may be construed as a subterfuge in an effort to circumvent any of these rules and regulations shall be deemed a violation of the rule or regulation attempted to be circumvented.

(Authorized by K.S.A. 41-211, 41-722, K.S.A. 1965 Supp. 41-210; effective Jan. 1, 1966.)

14-17-5. Acceptance of hospitality by director and employees. (a) Each person who has a special interest in the sale of alcoholic liquor or who is licensed, inspected or regulated by the alcoholic beverage control division shall not offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$100 or more in any calendar year to the director or any agent or employee of the director.

(b) Hospitality in the form of food and beverage shall be generally excluded from the provisions of this regulation and shall not be used to circumvent guidelines described in subsection (a) above.

(c) This regulation shall take effect on or after October 1, 1988.

(Authorized by and implementing K.S.A. 1987 Supp. 41-206; effective Oct. 1, 1988.)

14-17-6. Acceptance of hospitality by the director; employees. (a) Personal gifts to the director or any agent or employee of the director of liquor, money, services or any other thing of value from any manufacturer, distributor, wholesaler or retailer of alcoholic liquor, applicant for a license or licensee regardless of the dollar value of the item, shall not be allowed, except as provided for in subsection (b).

(b) The director, or any agent or employee of the director may, in the course of official business, attend conventions, seminars, workshops and other business meetings where food and drink are provided to the director, agent or employee as a participant.

(c) Each agent or employee shall receive prior approval from the director before attending a function where food and drink are provided free of charge or at a reduced cost.

(Authorized by and implementing K.S.A. 1988 Supp. 41-206; effective July 3, 1989.)

14-17-7. Determination of Kansas residency. For the purpose of determining whether an individual meets the requirement to be a resident of Kansas for any license issued pursuant to the liquor control act or the club and drinking establishment act, the following requirements shall apply:

(a) An individual shall be deemed to have established residence in Kansas on the date the individual arrives in the state for other than temporary or transitory purposes. Residence in Kansas shall be deemed to have terminated on the date the individual leaves the state and abandons any intention of returning to Kansas.

(b) In evaluating whether an individual intends to be a resident of Kansas, the following factors shall be considered, in order of decreasing importance:

(1) Whether the individual has filed any income tax returns in Kansas as a resident;

(2) whether the individual is registered to vote in Kansas;

(3) whether the individual has a Kansas driver's license or identification card; and

(4) whether the individual owns or rents a residence in Kansas and, if so, whether the utilities are in that individual's name. (Authorized by K.S.A. 41-210; implementing K.S.A. 2007 Supp. 41-311 and K.S.A. 2007 Supp. 41-2623; effective Aug. 29, 2008.)