

Kansas Administrative Regulations

Kansas Department of Revenue—Division of Alcoholic Beverage Control

Article 13.—Retail Liquor Dealer

14-13-8. Transfer of retailer's stock of alcoholic liquor; application for permission; seizure and sale of abandoned alcoholic liquor.

(a) When a retailer's license has expired or been surrendered or revoked, that retailer may apply to the director for permission to transfer the retailer's stock of alcoholic liquors to another licensee.

(b) The application to transfer the retailer's stock of alcoholic liquors shall be submitted on forms prescribed by the director and shall contain all of the following:

- (1) The retailer's name and license number;
- (2) the purchaser's name and license number;
- (3) the gross sale price of the transferred alcoholic liquor; and
- (4) the quantity, brand, and type of each container of alcoholic liquor to be transferred.

(c) No alcoholic liquor in the possession of a retailer shall be transferred under the provisions of subsection (a) unless the director has granted written permission.

(d) The director may deny an application to transfer alcoholic liquor under the provisions of subsection (a) if the retailer owes any gallonage tax, liquor enforcement tax, liquor drink tax, license fees, or liquor-related fines to the state of Kansas.

(e) The director or any employee or agent of the director may seize and sell any alcoholic liquor located on the premises subject to a retailer's license if the director determines that the alcoholic liquor has been abandoned by the licensee. The director may consider any of the following criteria in making a determination that the alcoholic liquor has been abandoned:

- (1) The licensee has quit its occupation of the building, leaving alcoholic liquor in the building.

(2) The licensee has been evicted and has made no attempt to collect the alcoholic liquor.

(3) Attempts to contact the licensee to determine its plans for the alcoholic liquor have been unsuccessful.

(4) The presence of the alcoholic liquor in the building poses a threat to the public health, safety, and welfare or the orderly regulation of the market.

(f) Upon the director's determination that the alcoholic liquor has been abandoned, the director shall notify the retailer, in writing, of the director's intent to seize and sell the alcoholic liquor. If, within seven calendar days after the date of the director's notice, the retailer has not notified the director that the retailer intends to maintain possession of the alcoholic liquor, the director may seize and sell the alcoholic liquor.

(g) The proceeds from the sale of alcoholic liquor under subsection (e) shall be deposited into the state general fund.

(Authorized by K.S.A. 41-210; implementing K.S.A. 41-1102; effective May 1, 1988; amended Feb 22, 2013.)

***** Authenticated Kansas Administrative Regulation *****