

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**HOUSE BILL 1389
RATIFIED BILL**

AN ACT TO AMEND THE LAW GOVERNING WINE DISTRIBUTION AGREEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1200 reads as rewritten:

"§ 18B-1200. Construction; findings and ~~purpose.~~purpose; exceptions.

(a) This Article shall be liberally construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of the Article are:

- (1) To promote the compelling interest of the public in fair business relations between wine wholesalers and wineries, and in the continuation of wine wholesalerships on a fair basis;
- (2) To protect wine wholesalers against unfair treatment by wineries;
- (3) To provide wine wholesalers with rights and remedies in addition to those existing by contract or common law; and
- (4) To govern all wine wholesalerships, including any renewals or amendments, to the full extent consistent with the Constitution of this State and the United States.

(c) The effect of this Article may not be waived or varied by contract or agreement. Any contract or agreement purporting to do so is void and unenforceable to the extent of that waiver or variance.

(d) A North Carolina winery holding a valid wine wholesaler permit issued pursuant to G.S. 18B-1101(7) and G.S. 18B-1107, when acting as its own master wholesaler, shall not be subject to the provisions of G.S. 18B-1204, 18B-1205, and 18B-1207."

SECTION 2. This act is effective when it becomes law. This act shall be effective prospectively only and shall not apply to pending litigation or claims that accrued before the effective date of this act.

In the General Assembly read three times and ratified this the 16th day of August, 2005.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2005