

State of Vermont
Department of Liquor Control
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Michael J. Hogan, Commissioner

Greetings –

There are training requirements for common carriers who wish to deliver vinous beverages in the State of Vermont. Title 7, section 66(e) states:

“A common carrier shall not deliver vinous beverages until it has complied with the provisions of subsections 239(a) and (b) of this title, and its compliance has been certified by the department of liquor control. No employee of a common carrier shall deliver vinous beverages until that employee completes the training required by subsection 239(c) of this title.”

The subsection referred to (239) spells out what that training must be. It requires the carrier to complete a training program that is approved by the Vermont Department of Liquor Control. There are currently only two formats for this training. One is a classroom program instructed by the Department’s Education Division. Those are held at no cost to the attendee on an “as needed” basis. You may wish to contact our division to schedule one of these classes.

The only other approved training program is by providing the training yourself with information and material that we supply. You may obtain the training booklet by calling our office or by downloading it from our website. The carrier then reads the information and signs a certification stating that he or she has completed the training and understands the material. This training is valid for a period of two (2) years.

There is a line on the certification form for the signature of the trainer. This trainer (within your organization) must have attended the classroom version of the program within the past two (2) years. A trainer may not be certified with the written material only.

Once the carrier has completed the training and the certification, a copy of the certificate needs to be mailed to our office for documentation and safe-keeping.

If you have any questions, please contact our office.





Training Program for Common Carriers

INTRODUCTION

The Vermont Department of Liquor Control (DLC) is a department whose main job is to enforce alcohol and tobacco laws in Vermont. The Liquor Control Board consists of three persons who are appointed by the Governor.

The Liquor Control Board makes rules regarding the sale of alcohol and tobacco. The Board also enforces laws and rules regarding the selling, and use of alcohol and tobacco.

One of the branches of the Vermont Department of Liquor Control is the Enforcement Division, which consists of the Chief/Director, 13 Field Investigators, 2 Education Investigators, 1 Education Specialist, 2 Lieutenants, and office support staff. This division enforces the laws and regulations that cover selling, serving, giving, and using alcohol and tobacco products in the State of Vermont. This includes investigating complaints, making on-site inspections, doing compliance checks of tobacco and alcohol retailers, and providing education programs for schools, stores, police officers, and others.

In Vermont, Liquor Board Rules are almost like state laws and are commonly referred to as regulations. A violation of a regulation could result in a fine, suspension, or revocation of a liquor license.

People who sell alcohol products need to know what the alcohol laws and regulations are. Alcohol products include all malt beverages (known as beer, porter, ale and stout, containing not less than one percent nor more than eight percent alcohol by volume), vinous beverages (all fermented beverages of any name, made from fruits or other agricultural products, containing not more than sixteen percent alcohol by volume), and spirituous liquors (beverages containing more than one percent of alcohol obtained by distillation, and vinous beverages containing more than sixteen percent alcohol) If you break Vermont laws or regulations, you may be charged in criminal court and could face a penalty.

The Purpose of This Training Guide

The Department of Liquor Control is responsible for enforcing alcohol and tobacco laws and regulations in the State of Vermont. In order to make sure everyone knows the laws, the Department of Liquor Control provides licensees and others with this Training Guide so everyone can be trained. The Department encourages those people who have licenses or permits to properly train their employees so that people will sell alcohol responsibly.

The Liquor Control Board and the Vermont Department of Liquor Control think that education is important, especially for licensees and permit holders, and that is why the law requires training.



Responsible people need to make sure there are no violations of regulations or laws and if there are problems they must correct them quickly.

The Vermont Department of Liquor Control also offers seminars conducted by a member of the department. Anyone is welcome to attend these classes. To find out when there is one in your area please go to our web page at <http://seminar.vtdlc.info/>.

There are more liquor laws and regulations than what are printed here, but this material summarizes the most often asked and most often violated sections of law and regulation.

Direct Shipment

- There is a new Supreme Court ruling pertaining to direct shipment of wines.
- Individuals may now purchase up to 12 cases of wine containing no more than 29 gallons without needing a permit in any calendar year. However, that out-of-state manufacturer, and only those located in the United States, must obtain permits and notify the Vermont Department of Liquor Control of those sales.
- Retailers can also direct ship up to 2,000 gallons per year, on invoice. A maximum of 40 gallons per winery per month is permitted.
- These new laws pertain only to wine and not to beer or spirits.
- Delivery laws require an invoice stating the purchaser's name and address.
- The delivery person may only accept a valid form of photographic identification from a recipient who appears to be under the age of 30.
- The recipient of the delivery must also sign an electronic or paper form or other acknowledgement of receipt.
- The package containing the wine must be conspicuously labeled as "containing alcohol: signature of individual age 21 or older required for delivery".
- As the reader can clearly see, the new laws have requirements specific to common carriers. In the law there is also an educational requirement for those persons delivering wine.

Education Regulations

The purpose of our educational programs is to provide training to the alcohol and tobacco seller about Vermont's alcohol and tobacco laws and regulations. People who understand these laws will have fewer problems while working. We feel that education is important and the legislature agreed when they passed the law requiring training.

The education laws in the Vermont Statutes specifically say:

"Each licensee shall ensure that every employee who is involved in the sale or serving of alcohol beverages completes a training program approved by the department of liquor control before the employee begins serving or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted. A licensee may comply with this requirement by



conducting its own training program on its premises, using information and materials furnished by the department of liquor control.

The law allowing common carriers to deliver wine to customers clearly states that all persons delivering must abide by those educational requirements.

As you can see, proper record-keeping is also important. If you are uncertain whether you are trained and certified, you should contact the DLC office. Your exact training date should be on file in our database of trainees.

Minors -- The Drinking Age

The drinking age in the State of Vermont is 21 years old. You have to be 21 to buy, drink or have alcohol.

The Vermont law states that the person who delivers a shipment of vinous beverages (wine) to an individual under 21 years of age will be subjected to a fine of not less than \$1,000.00 nor more than \$3,000.00 or imprisoned not more than two years, or both.

How to Identify a Minor -- What Makes a Minor

As we talked about before it is important that a deliverer of alcohol make sure they only deliver to customers that legally can purchase and consume alcohol. If there is any question in your mind you need to ask for proper identification.

You have to remember that people who are under 21 will try to make themselves look older than they really are. A lot of times women will wear makeup to make themselves look older than they really are. A person under 21 will also try to act older. They may seem overly confident and may argue with you about their age. The person may also try to act invisible or kind of hide so they don't look obvious. Usually by doing this they look more obvious. The important thing is to watch for any action that seems out of the ordinary. Remember when a person is under 21 getting alcohol is a big deal. Once the person turns 21 buying alcohol is not a big thing anymore.

Always remember that it is the customer that has to prove to you that they are 21. If you are not positive that they are 21, DO NOT DELIVER TO THEM.

Because of the fines and possible time in jail it is better to be safe than sorry. People under 21 do act differently than adults. You usually will be able to spot a minor.

Identification Cards -- Proof of Age

It usually comes down to ID cards. The question people usually ask is what should I accept and what can't I accept. After all, your job, a criminal penalty, a fine, or a possible jail sentence is what you face if you answer the question wrong.

The only ID cards that you can accept in Vermont are a valid driver's license or non-driver identification card with a photo from Vermont or any other state or foreign country.



You may accept a valid passport, and a valid United States Military Identification card. If you accept anything else you could be charged criminally.

Buying and consuming alcohol is a privilege not a right. You decide whether a person gets the wine or not. Again if you have any questions whether the person is 21 or not, do not deliver it to them. If the ID card does not look right, DO NOT ACCEPT IT.

Some steps that are helpful when asking for ID's are:

1. Have the person take the identification card out of the wallet or pouch so you can handle it/feel it.
2. Look at the card and look for signs where the card has been changed. Look closely around the photograph, date of birth, date of expiration and the corners of the ID. Don't accept any ID where the lamination is peeled.
3. Check the photograph. Does it look like the person? Some people do change hair color, but not facial features such as large/small nose, broad face, etc.
4. Check the expiration date. Is it still valid? If it isn't correct, the ID isn't acceptable. People have been known to give their expired license to a younger brother or sister.
5. Check the date of birth. Does it make the person old enough? Do the math. Many sellers have accepted ID that said the person really was underage; they just didn't take the time to read the ID correctly.
6. Ask the person questions such as how old are you? You would be surprised how many minors using borrowed IDs have not figured out the date of birth to match the age they are giving you. Ask them what their zip code is, ask them to spell their last name, what does their middle initial stand for, what is their zodiac sign (if you know it).
7. You may want them to sign their name in front of you so you may compare it with the signature on the ID card. Several cases have been reported of minors misspelling the last name on the ID card or asking the seller, "how's it spelled on the ID", meanwhile trying to sneak a look at the ID to get the spelling right.
8. When carding the person, watch their facial expressions and eye movements.

These are only a few things that you can do to look for minors. Remember; when in doubt don't accept the ID card.

Please Note

There are other laws and regulations you may need to know. This book does not list all of them, rather it is meant to be a general guide. If you have further questions speak to your boss or contact the Vermont Department of Liquor Control's office at (802) 828-2339, or try online at: liquorcontrol.vermont.gov. You can also look up Title 7 in the Vermont Statutes. The Statutes are available online at the Vermont Department of Liquor Control website at <http://law.vtdlc.info/>. They are also available at most public libraries and town clerks offices.

VERMONT DEPARTMENT OF LIQUOR CONTROL

LICENSEE/EMPLOYEE MANDATORY EDUCATION TRAINING

Common Carriers

Date of Training: _____

Corporation/Partnership/Individual: _____

d/b/a: _____

Address: _____

Town/City: _____ State: _____

I, _____, certify that the following employee has been
Trainer's Name
trained in the sale of alcohol beverages as provided for by the Vermont.

Name of Authorized Person (trainer) *(Please Print)*

Authorized Signature of Licensee

Date of Training

Name of Employee Trained *(please Print)*

Employee Signature

(The employee certifies that he/she has read and understands the provided material.)

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Title 7, subsections 239(a),(b) and (c) state:

(a) No new first or second class license shall be granted until the applicant has met with a liquor control investigator for the purpose of being informed of the Vermont liquor laws, rules and regulations pertaining to the purchase, storage and sale of alcohol beverages. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection.

(b) Every first and second class licensee and every holder of a manufacturer's license shall complete the department of liquor control licensee enforcement seminar at least once every two years. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection. No first or second class license or manufacturer's license shall be renewed unless the records of the department of liquor control show that the licensee has complied with the terms of this subsection.

(c) Each licensee shall ensure that every employee who is involved in the sale or serving of alcohol beverages completes a training program approved by the department of liquor control before the employee begins serving or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished by the department of liquor control. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title. (Added 1987, No. 103, § 4; amended 1993, No. 11, § 3, eff. April 27, 1993; 1999, No. 163 (Adj. Sess.), § 8.)