

Tennessee Felony Statutes

**Got Questions? Need answers?
Check out our [Frequently Asked Questions On
Direct Shipments!](#)**

For many years, Tennessee has had a statute that made direct wine shipments to consumers a felony. The sections below illustrate the extent to which the law is written to prohibit such shipments. Case annotations which reflect judicial activity on these statutes show minimal recent activity.

[57-3-401 Transportation or possession of untaxed alcoholic beverages in quantities of more than three gallons -- Penalty.](#)

[57-3-402 Importation or transportation limited.](#)

[57-3-403 Transportation in quantities in excess of three gallons -- Regulations.](#)

[57-5-409 Contraband -- What constitutes -- Confiscation.](#)

[57-3-411 Contraband goods -- Property subject to seizure and sale.](#)

**TENNESSEE CODE ANNOTATED
TITLE 57 INTOXICATING LIQUORS
CHAPTER 3 LOCAL OPTION-- TRAFFIC IN
INTOXICATING LIQUORS
Part 4-- Prohibited Acts-- Enforcement**

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57-3-401 Transportation or possession of untaxed alcoholic beverages in quantities of more than three gallons -- Penalty. [\[top\]](#)

(a) It is unlawful for any person, firm or corporation,

other than a common carrier, to transport, either in person or through an agent, employee or independent contractor, untaxed alcoholic beverages as defined in § 57-3-101 within, into, through, or from the state of Tennessee, in quantities in excess of three gallons (3 gals.), including either wet or dry counties. It is unlawful for any person, firm, corporation or association to possess untaxed alcoholic beverages as defined in § 57-3-101 in this state in quantities in excess of three gallons (3 gals.) in either wet or dry counties. A violation of this subsection is a Class E felony.

(b) It is unlawful for any person, firm, corporation or association to import, ship or deliver, cause to be imported, shipped or delivered into this state any alcoholic beverages in excess of one gallon (1 gal.) upon which the tax imposed in this chapter has not been paid, or where such is not transported in accordance with § 57-3-402. A violation of this subsection is a Class E felony.

(c) It is the intent of the general assembly that this section not be construed to amend, modify, or change any provision of law relating to alcoholic beverages, existing on March 13, 1947, but shall be supplemental thereto.

[Acts 1947, ch. 182, §§ 1, 2; C. Supp. 1950, § 6648.22 (Williams, §§ 6648.33, 6648.34); T.C.A. (orig. ed.), § 57-137; Acts 1989, ch. 591, § 61; 1992, ch. 608, §§ 6, 7.] [\[top\]](#)

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57-3-402 Importation or transportation limited. [\[top\]](#)

(a) It is unlawful, except as permitted in this chapter, for any person to import or transport, or cause to be imported or transported from any other state, territory, or country, into this state, any alcoholic beverages defined in § 57-3-101. This provision shall not apply to alcoholic beverages imported or transported into this state pursuant to former § 39-17-705(5).

(b) No common carrier or other person shall bring or carry into this state for delivery or use in this state any alcoholic beverages unless the same shall be consigned to a manufacturer or wholesaler duly licensed under this chapter, or unless the alcoholic beverages shall be consigned to a post exchange, ship's service store, mess, club, commissary, or other agency under the jurisdiction of the department of defense, in which event notice of the shipment shall be given to the commission as required by § 57-3-110.

(c) It is unlawful for any person, railroad company or other common carrier, to transport or accept delivery of alcoholic beverages, consigned to any person except those duly authorized and holding a wholesaler's license. This shall not apply to:

(1) Shipments from a duly licensed wholesaler in this state to a retailer duly licensed or to points outside the state; or

(2) Alcoholic beverages consigned to a post exchange, ship's service store, club, commissary, or mess, or any other agency under the jurisdiction of the department of defense after notice of such shipment is given to the commission as required by § 57-3-110.

(d) Transportation of alcoholic beverages as defined in this chapter, within, into, through or over this state in quantities in excess of three (3) gallons is permitted only in conformity with this chapter, except in counties wherein the sale of alcoholic beverages has been legalized.

[Acts 1939, ch. 49, §§ 12-14; C. Supp. 1950, §§ 6648.16, 6648.17, 6648.19 (Williams, §§ 6648.15-6648.17); Acts 1955, ch. 347, §§ 2, 2A, 3; impl. am. Acts 1959, ch. 9, § 14; impl. am. Acts 1963, ch. 257, § 36; modified; T.C.A. (orig. ed.), § 57-138; Acts 1987, ch. 164, § 3.] [\[top\]](#)

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57-3-403 Transportation in quantities in excess of

three gallons -- Regulations. [\[top\]](#)

(a) The transportation of alcoholic beverages as defined in § 57-3-101, within, into, through, or from this state in quantities in excess of three (3) gallons is permitted only in conformity with this section:

(1) Before any person shall transport any alcoholic beverages within, into, through, or from this state, except by means of common carrier, such person shall post with the commission a bond with approved surety payable to the state of Tennessee in the penalty of one thousand dollars (\$1,000), upon condition that such person will not unlawfully transport or deliver any alcoholic beverages within, into, through, or from this state, and evidence that the required bond has been posted shall accompany the alcoholic beverages at all times during transportation. No such bond shall be required of any person licensed under this chapter to sell alcoholic beverages at wholesale when such alcoholic beverages are being transported in a vehicle belonging to the licensee;

(2) Where alcoholic beverages are desired to be transported within, into, or through or from this state, such transportation shall be engaged in only when in accordance with the provisions of this section, viz:

(A) There shall accompany such alcoholic beverages at all times during transportation, a bill of lading or other memorandum of shipment signed by the consignor, showing an exact description of the alcoholic beverages being transported; the name and address of the consignor; the name and address of the consignee; and the route to be traveled by such vehicle while in Tennessee. Such route must be the most direct route from the consignor's place of business to the place of business of the consignee;

(B) Vehicles transporting alcoholic beverages shall not vary from the route specified in the bill of lading or other memorandum of shipment;

(C) The name of the consignor on any such bill of lading or other memorandum of shipment shall be the name of the true consignor of the alcoholic beverages being transported, and such consignor shall only be a person who has a legal right to make such shipment. The name of the consignee on any such bill of lading or memorandum of shipment shall be the name of the true consignee of the alcoholic beverages being transported, who has previously authorized in writing the shipment of the alcoholic beverages being transported and who has legal right to receive such

alcoholic beverages at the point of destination shown on the bill of lading or other memorandum of shipment;

(D) The driver or person in charge of any vehicle covered by any bond posted with the commission under the provisions of this section shall, when requested by any representative or agent of the commission or any person having police authority, exhibit to such person the bill of lading or other memorandum of shipment covering the cargo of such vehicle.

(b) Notwithstanding any provision of this section or title 39 to the contrary, in any jurisdiction wherein the retail sale of alcoholic beverages for consumption off the premises has been legalized, it shall be lawful to receive, possess and transport alcoholic beverages if all appropriate taxes as required by law have been paid upon such alcoholic beverages.

[Acts 1945, ch. 167, § 9; C. Supp. 1950, § 6648.17; impl. am. Acts 1963, ch. 257, § 37; T.C.A. (orig. ed.), § 57-139; Acts 1982, ch. 614, § 1.] [\[top\]](#)

TENNESSEE CODE ANNOTATED
TITLE 57 INTOXICATING LIQUORS
CHAPTER 5 BEER AND ALCOHOLIC BEVERAGES
CONTAINING LESS THAN FIVE PERCENT
ALCOHOL
Part 4-- Transportation

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**57-5-409 Contraband -- What constitutes --
Confiscation.** [\[top\]](#)

(a) Any beer or other beverage of alcoholic content of not more than five percent (5%) by weight sold or offered for sale by, or in possession of, a retailer purchased from any person, firm or corporation, except a Tennessee wholesaler or distributor licensed in this state, is declared to be contraband and shall be subject to confiscation by the commissioner or any duly authorized representative, highway patrolman, sheriff or other peace officer.

(b) Any beer or other beverages described in § 57-5-101 imported into this state, in transit within this state, or in possession of a person or firm within this state

not in accordance with any of the requirements of §§ 57-5- 104 (except permit requirements on wholesalers in counties or cities in which they do not have an established location or place of business), 57-5-201, 57-5- 206, 57-5-207, 57-5-401 -- 57-5-406, 57-5-408 or 57-5-414 and the rules and regulations promulgated under them are declared to be contraband, and it, along with any vehicle in which it is being transported which is not a common carrier, may be seized, either with or without a warrant, by the commissioner or any duly authorized representative, highway patrolman, sheriff, or other peace officer. Any beer or other beverages or vehicles so seized shall be delivered promptly to the department for disposition.

(c) Any beer so seized may, in the discretion of the commissioner, be deposited with a duly licensed Tennessee wholesaler or distributor, located nearest to the site of the seizure, engaged in handling the particular brand of beer involved. Such deposit shall be evidenced by a receipt issued to the commissioner by such wholesaler or distributor, stating the quantity and brand name of such beer so deposited. The receipt may subsequently be exchanged with the wholesaler or distributor issuing it for salable beer of the same quantity and brand name by any person or persons who may be entitled thereto or to the proceeds of the sale thereof in accordance with the provisions of this chapter. Such receipts shall be admissible as evidence in any administrative hearing or any civil or criminal court hearing or trial.

(d) If, incidental to a confiscation of contraband as defined herein, there is discovered any intoxicating liquor deemed to be held or transported illegally within the purview of § 57-3-411, § 57-9-201 or § 57-9-202, the confiscating officer is hereby empowered and required to seize such liquor, notwithstanding the fact that such officer may not otherwise be empowered to take such action under the provisions of such section. Any intoxicating liquor seized pursuant hereto shall be delivered promptly, as provided by § 57-3- 411, § 57-9-201 or § 57-9-202, whichever is appropriate, to the alcoholic beverage commission for sale or disposition as contraband in accordance with the provisions of chapters 2-4, or 6 of this title, whichever is appropriate.

[Acts 1969, ch. 299, § 3; 1970, ch. 388, § 1; 1973, ch. 68, § 3; 1974, ch. 478, § 3; T.C.A., § 57-232.] [\[top\]](#)

INTOXICATING LIQUORS
Part 4-- Prohibited Acts-- Enforcement

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57-3-411 Contraband goods -- Property subject to seizure and sale. [\[top\]](#)

(a) All alcoholic beverages as defined in § 57-3-101 which are or shall be owned or possessed by any person in avoidance, evasion or violation of any of the provisions of this chapter are declared to be contraband goods, and the same may be seized by the alcoholic beverage commission, or any duly authorized representative, agent or employee of the commission, without a warrant, and such goods shall be delivered to the commission for sale at public auction to the highest bidder after due advertisement. The proceeds of all such seizures shall be paid by the commission into the state treasury, and ten percent (10%) of such proceeds shall be set aside as expenses for the administration of this section.

(b) Any vehicle, not a common carrier, which may be used for transportation for the purpose of distribution, gift or sale of untaxed alcoholic beverages shall likewise be subject to confiscation and sale, in the same manner as above provided. Should any alcoholic beverages in excess of one gallon (1 gal.) be found in any vehicle without receipts or other prescribed documents demonstrating that the tax under this chapter has been paid, the same shall be prima facie evidence that it was there for gift, sale or distribution.

(c) In all cases of seizure of any alcoholic beverages, or other property subject to forfeiture under the provisions of this chapter, the officer or other person making the seizure shall proceed as follows:

(1) The officer or other person shall deliver to the person, if any, found in possession of such property, a receipt, showing a general description of the seized goods. A copy of the receipt shall be filed in the office of the commission and shall be open to the public for inspection;

(2) All such property seized and confiscated under the provisions of this chapter shall be sold at public sale by the commissioner of general services when the same has been turned over to the commissioner by the commission as now authorized by law;

(3) Any person claiming any property so seized as contraband may within ten (10) days from the date of seizure, file with the commission at Nashville a claim in writing, requesting a hearing and stating his interest in the articles seized. The commission shall set a date for hearing within ten (10) days from the day the claim is filed. Any decision of the commission adverse to any claimant may be reviewed in the manner now provided by law for the review of actions or boards or commissions as prescribed by title 27, chapter 9;

(A) In the event the ruling of the commission is favorable to the claimant, the commission shall deliver to the claimant the alcoholic beverages or other property so seized. If the ruling of the commission is adverse to the claimant, the commission shall proceed to sell such contraband goods in accordance with the foregoing provisions of this section, unless the claimant shall secure a supersedeas under § 27-9-106, or unless the claimant shall give a bond under the provisions of subdivision (c)(3)(B).

(B) When the ruling of the commission is adverse to the claimant, the alcoholic beverages or property so seized shall be delivered to the claimant. Such claimant shall give a bond payable to the state of Tennessee in an amount double the value of the property seized, with sureties approved by the commission. The condition of the bond shall be that the obligors shall pay to the state, through the commission, the full value of the goods or property seized, unless upon certiorari the decision of the commission shall be reversed and the right of the claimant to such property is judicially determined.

(C) If no claim is interposed, such alcoholic beverages or other property shall be forfeited without further proceedings and the same shall be sold as herein provided. The above procedure is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction or in any other manner.

(d) If, incidental to a confiscation of contraband as defined herein, there is discovered any beer or other beverage of alcoholic content of not more than five percent (5%) deemed to be held or transported illegally within the purview of § 57-5-409, or any tobacco products deemed to be held or transported illegally within the purview of § 67-4-1020, the confiscating officer is hereby empowered and required to seize such beer or tobacco, notwithstanding the fact that such officer may not otherwise be empowered to take such action under the provisions of § 57-5-409 or § 67-4-1020. Any beer or tobacco seized pursuant

hereto shall be delivered promptly as provided by § 57-5-409 or § 67-4-1020, whichever is appropriate, to the department of revenue for sale or disposition as contraband in accordance with the provisions of chapter 5 of this title or title 67, chapter 4, part 10, whichever is appropriate.

[Acts 1939, ch. 49, § 19; C. Supp. 1950, § 6648.20 (Williams, § 6648.22); impl. am. Acts 1959, ch. 9, § 14; Acts 1959, ch. 301, § 1; impl. am. Acts 1961, ch. 97, § 5; impl. am. Acts 1963, ch. 257, § 45; impl. am. Acts 1972, ch. 543, § 7; Acts 1973, ch. 68, § 5; T.C.A. (orig. ed.), § 57-147; Acts 1992, ch. 608, §§ 9- 11.] [\[top\]](#)