

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Dowd**

# A Bill

**ACT 172 OF 1993**  
**SENATE BILL 179**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §3-4-402, §3-4-403, AND §3-  
9 4-404, TO INCREASE THE MINIMUM MONETARY FINE THAT MAY BE  
10 LEVIED AGAINST AN ALCOHOLIC BEVERAGE CONTROL PERMIT AND TO  
11 UPGRADE CERTAIN VIOLATIONS OF ALCOHOLIC BEVERAGE CONTROL  
12 REGULATIONS; AND FOR OTHER PURPOSES."

## Subtitle

14 **"AN ACT TO INCREASE THE MINIMUM FINE THAT MAY BE**  
15 **LEVIED AGAINST AN ALCOHOLIC BEVERAGE CONTROL**  
16 **PERMIT AND TO UPGRADE CERTAIN VIOLATIONS OF ABC**  
17 **REGULATIONS."**

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20 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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22 **SECTION 1. Arkansas Code §3-4-402 is amended to read as follows:**

23 **"§3-4-402. Classes of violations and fines - Multiple offenses.**

24 **(a) The following classes of alcoholic beverage control permit violations and fines are**  
25 **authorized to be levied and are established:**

26 **(1) Class A permit violations: Five hundred dollars (\$500) to one thousand dollars**  
27 **(\$1,000);**

28 **(2) Class B permit violations: Two hundred dollars (\$200) to five hundred**  
29 **dollars (\$500);**

30 **(3) Class C permit violations: One hundred dollars (\$100) to two hundred**  
31 **dollars (\$200).**

32 **(b) The Director of the Alcoholic Beverage Control Division and the board are hereby**  
33 **authorized to levy additional fines up to double the amount for the classes of violations found in**  
34 **subsection (a) of this section for a second offense of the same violation within a twelve-month**  
35 **period, and up to three (3) times the fines authorized for the classes listed in subsection (a) of**  
36 **this section for a third offense of the same violation within a twelve-month period."**

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**SECTION 2. Arkansas Code §3-4-403 is amended to read as follows:**

**"§3-4-403. Class A violations.**

**The following acts on the part of any permittee are Class A permit violations:**

- (1) Failure to furnish access to premises by any law enforcement officer or any authorized Alcoholic Beverage Control personnel or failure to cooperate or take reasonable action to assist any such law enforcement officers or authorized Alcoholic Beverage Control personnel who are on the permitted premises in the performance of their duties;**
- (2) Failure to allow inspection of books or records;**
- (3) Posting permit on unauthorized premises;**
- (4) Manufacture or possession of controlled beverage with excess alcoholic content;**
- (5) Sale by manufacturer to other than wholesaler. Provided, sales authorized by any law of the state relating to native wines shall not constitute a violation;**
- (6) Sale by wholesaler to other than retailer;**
- (7) Ownership or other interest in retail outlet by manufacturer or wholesaler. Provided, that such ownership or other interest authorized by any law of this state relating to native wines shall not be a violation;**
- (8) Unauthorized gift or service to retailers by manufacturer or wholesaler;**
- (9) Use of post-dated checks for payment of controlled beverages and merchandise;**
- (10) Wholesaler making delivery to consumer;**
- (11) The permittee possessed, or knew or reasonably should have known that any agent or employee or patron of the establishment possessed on the permitted premises, any illegal drug or narcotic or controlled substance, or that any agent or employee while acting on the permittee's behalf knowingly allowed the possession on the permitted premises of any illegal drug or narcotic or controlled substance;**
- (12) Selling or allowing the consumption of alcoholic beverages on the permitted premises when the permit is suspended or on inactive status."**

**SECTION 3. Arkansas Code §3-4-404 is amended to read as follows:**

**"§3-4-404. Class B violations.**

**The following acts on the part of the permittee are Class B violations:**

- (1) Pledge, hypothecation, or use of permit as collateral;**
- (2) Defacing, destroying, or altering permit;**
- (3) Transporting controlled beverages in violation of regulations or law;**
- (4) Manufacturing, selling, offering, dispensing, or giving away, possessing, or**

- 1 **transporting of controlled beverages upon which tax is not paid;**
- 2 **(5) Failure to maintain proper records by manufacturer;**
- 3 **(6) Failure by wholesaler to maintain proper records;**
- 4 **(7) Failure by wholesaler to register new brands;**
- 5 **(8) Giving of samples by permittee without authorization;**
- 6 **(9) Sales for anything other than cash or check;**
- 7 **(10) Delivery without invoice by wholesaler;**
- 8 **(11) Selling to minors;**
- 9 **(12) Selling to the insane;**
- 10 **(13) Selling to bootleggers;**
- 11 **(14) Accepting food stamps in payment for controlled beverages;**
- 12 **(15) Unauthorized employment of minors;**
- 13 **(16) Any disorderly conduct or a breach of the peace by patrons or employees on the**
- 14 **permitted premises. Such disorderly conduct shall include but not be limited to fights, brawls,**
- 15 **or disturbances which result in bodily injury to any degree to any person on the premises;**
- 16 **(17) Violation of § 3-3-218, failure to be a good neighbor;**
- 17 **(18) Selling to an intoxicated person;**
- 18 **(19) Unauthorized manufacturing, selling, offering, dispensing, or giving away of controlled**
- 19 **beverages;**
- 20 **(20) Unlawful manufacture or sale in a dry area;**
- 21 **(21) Conducting or permitting gambling on premises;**
- 22 **(22) Violation of legal closing hours;**
- 23 **(23) Sale of controlled beverages by vending machine;**
- 24 **(24) Possession of a weapon on the permitted premises by any person without a**
- 25 **possessory or proprietary interest in the permitted premises."**

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27 **SECTION 4. All provisions of this act of a general and permanent nature are**  
28 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
29 **Commission shall incorporate the same in the Code.**

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31 **SECTION 5. If any provision of this act or the application thereof to any person or**  
32 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**  
33 **the act which can be given effect without the invalid provision or application, and to this end**  
34 **the provisions of this act are declared to be severable.**

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**SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.**

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**APPROVED: 2/19/93**

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