

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Dowd**

A Bill

ACT 536 OF 1995
SENATE BILL 466

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE THAT
9 APPLICANTS FOR A RETAIL BEER PERMIT, AN ON-PREMISES MIXED
10 DRINK PERMIT, OR PRIVATE CLUB PERMIT MUST EITHER OWN,
11 LEASE, HAVE AN OPTION TO LEASE, OR HOLD A BUY-SELL
12 AGREEMENT OR OFFER AND ACCEPTANCE ON THE PROPERTY; TO
13 PROVIDE THAT AN APPLICANT FOR A RETAIL BEER PERMIT OR ON-
14 PREMISES MIXED DRINK PERMIT MUST LIVE WITHIN 35 MILES OF
15 THE PREMISES; AND FOR OTHER PURPOSES."

Subtitle

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18 "APPLICANTS FOR RETAIL BEER PERMIT, ON-
19 PREMISES MIXED DRINK PERMIT, OR PRIVATE
20 CLUB PERMIT MUST OWN, LEASE, HAVE AN
21 OPTION TO LEASE, A BUY-SELL AGREEMENT OR
22 OFFER AND ACCEPTANCE ON THE PROPERTY."

23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code 3-5-302 is amended to read as follows:

27 "3-5-302. Applications - Qualifications of applicant.

28 No license shall be issued to any person authorizing the sale of beer at
29 retail unless the person shall file a verified application, accompanied by the
30 fee required by law, and shall state in the application that he possesses the
31 following qualifications:

32 (1) Applicant must be a person of good moral character, a citizen or
33 resident alien of the United States, and a resident of the county in which the
34 permit will be operated or reside within thirty-five (35) miles of the address
35 of the premises described in the application;

36 (2) Applicant shall not have been convicted of a felony or have been

1 convicted within five (5) years of the date of his application of any
2 violation of the laws of this state or the laws of any other state relating to
3 the sale of alcoholic beverages;

4 (3) Applicant shall not have had revoked, within five (5) years
5 next-preceding his application, any license issued to him pursuant to the laws
6 of this state or any other state to sell alcoholic liquor of any kind;

7 (4) Applicant shall be the owner of the premises for which the license is
8 sought or the holder of an existing lease, buy-sell agreement, offer and
9 acceptance, or option to lease thereon;

10 (5) If applicant is a copartnership, all members of the partnership must
11 be qualified to obtain a license;

12 (6) If applicant is a corporation, all officers and directors, any
13 stockholder owning more than five percent (5%) of the stock of the
14 corporation, and the person or persons who shall conduct and manage the
15 licensed premises for the corporation shall possess all the qualifications
16 required herein for an individual license. The requirement as to residence
17 shall not apply to officers, directors, and stockholders of the corporation,
18 but the requirement shall apply to any officer, director, or stockholder who
19 is also the manager of the licensed premises, in any capacity, in the conduct
20 or operation of the licensed premises."

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22 SECTION 2. Arkansas Code 3-9-202(10) is amended to read as follows:

23 "(10) Private club means a nonprofit corporation organized and
24 existing under the laws of this state, no part of the net revenues of which
25 shall inure directly or indirectly to the benefit of any of its members or any
26 other individual, except for the payment of bona fide expenses of the club's
27 operations, conducted for some common recreational, social, patriotic,
28 political, national, benevolent, athletic, or other nonprofit object or
29 purpose other than the consumption of alcoholic beverages. The nonprofit
30 corporation shall have been in existence for a period of not less than one (1)
31 year before application for a permit, as hereinafter prescribed. At the time
32 of application for the permit, the nonprofit corporation must have not less
33 than one hundred (100) members regularly paying annual dues of not less than
34 five dollars (\$5.00) per member, and, at the time of application, must own or
35 lease, or be the holder of a buy-sell agreement or offer and acceptance, or

1 have an option to lease a building, property, or space therein for the
2 reasonable comfort and accommodation of its members and their families and
3 guest, and restrict the use of club facilities to such persons;"

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5 SECTION 3. Arkansas Code 3-9-305(a) is amended to read as follows:

6 "(a) No license shall be issued to any person authorizing the sale of
7 wine at retail for consumption on the premises with food served in any cafe or
8 restaurant unless the person shall file with the Director of the Alcoholic
9 Beverage Control Division a verified application therefor, accompanied by the
10 fee required by law, and shall state in the application that he possesses the
11 following qualifications:

12 (1) Applicant is a person of good moral character, a citizen or resident
13 alien of the United States, and a resident of the county in which the permit
14 will be operated or reside within thirty-five (35) miles of the address of the
15 premises described in the application;

16 (2) Applicant has not been convicted of a felony or has not been
17 convicted within five (5) years of the date of his application of any
18 violation of the laws of this state or any other state relating to alcoholic
19 beverages;

20 (3) Applicant has not had revoked within five (5) years next-preceding
21 his application any license issued to him pursuant to the laws of this state,
22 or any other state, to sell alcoholic liquor of any kind;

23 (4) Applicant shall be the owner of the premises for which the license is
24 sought or the holder of an existing lease, buy-sell agreement, offer and
25 acceptance, or option to lease thereon;

26 (5) If the applicant is a copartner, all members of the copartnership
27 must be qualified to obtain a license;

28 (6) If the applicant is a corporation, all officers and directors
29 thereof, any stockholder owning more than five percent (5%) of the stock of
30 such corporation, and the person or persons who shall conduct and manage the
31 licensed premises for the corporation shall possess all the qualifications
32 required herein for an individual license. The requirement as to residence
33 shall not apply to officers, directors, and stockholders of the corporation,
34 but the requirement shall apply to any officer, director, or stockholder who
35 is also the manager of the licensed premises, in any capacity, in the

1 conducting or operation of the licensed premises;

2 (7) The cafe or restaurant making application for the license is
3 primarily engaged in the business of serving foods to the public prepared for
4 consumption on the premises and must be an established eating place within the
5 rules and regulations promulgated by the Alcoholic Beverage Control Board as
6 provided in § 3-9-301(4)."

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8 SECTION 4. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 5. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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

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22 APPROVED: 3-7-95

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