

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative D. Wood**

A Bill

ACT 563 OF 1995
HOUSE BILL 1479

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 3, CHAPTER 9, SUBCHAPTERS 2 AND 4
9 OF THE ARKANSAS CODE ANNOTATED OF 1987 TO PERMIT
10 RESTAURANTS HOLDING CAFE AND RESTAURANT WINE PERMITS AND
11 RETAIL BEER PERMITS FOR ON-PREMISES CONSUMPTION TO SELL
12 ALCOHOLIC BEVERAGES ON SUNDAY IN ADDITION TO HOTELS AND
13 RESTAURANTS THAT HOLD MIXED-DRINK PERMITS; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

16
17 "TO PERMIT RESTAURANTS HOLDING WINE AND
18 BEER PERMITS TO SELL ALCOHOLIC BEVERAGES
19 ON SUNDAY."

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

22
23 SECTION 1. Paragraph (1) of Subsection (a) of Arkansas Code §3-9-215 is
24 hereby amended to read as follows:

25 "(a) (1) The provisions of this section shall be applicable to only
26 those cities and counties in this state in which the sale of alcoholic
27 beverages for on-premises consumption in restaurants or hotels has been
28 approved by a majority of the qualified electors of the city or county voting
29 on the issue at a referendum election authorized by §3-9-201 et seq. These
30 provisions shall apply only with respect to the sale of alcoholic beverages in
31 restaurants or hotels which have a valid and current license or permit to sell
32 alcoholic beverages for consumption on the premises thereof issued."

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34 SECTION 2. Subsection (b) of Arkansas Code §3-9-215 is hereby amended
35 to read as follows:

36 "(b) Any city of the first class or any county in which the sale of

1 alcoholic beverages for on-premises consumption in licensed restaurants and
2 hotels has been authorized by a majority of the qualified electors of that
3 city or county voting on the issue at an election held therefor pursuant to
4 the provisions of §3-9-201 et seq., by ordinance adopted by the governing body
5 of such city or county, may refer to the voters at an election the issue of
6 whether or not to authorize the sale of alcoholic beverages on Sundays between
7 the hours of 12:00 noon and 10:00 p.m., or within a lesser period within such
8 hours as may be provided in the ordinance. The Sunday sale of alcoholic
9 beverages for on-premises consumption as authorized in this section shall be
10 limited to those restaurants and hotels which possess a current and valid
11 permit or license for the sale of alcoholic beverages for on-premises
12 consumption issued under the authority of §3-5-301 et seq., §3-9-201 et seq.,
13 and §3-9-301 et seq. The election shall be held in accordance with the
14 procedures established by §3-9-201 et seq."

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16 SECTION 3. Arkansas Code §3-9-404 is hereby amended to read as follows:
17 "3-9-404. Permit - Requirements.

18 (a) Notwithstanding any other laws of this state which permit the sale
19 of alcoholic beverages for on-premises consumption on Sundays, no hotel or
20 restaurant that is licensed to sell alcoholic beverages for on-premises
21 consumption under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et seq.
22 shall be permitted to sell alcoholic beverages for on-premises consumption on
23 Sundays until they obtain a permit, approved and issued by the director in
24 accordance with rules and regulations promulgated by the board for the sale of
25 alcoholic beverages for on-premises consumption on Sundays. However, this
26 subchapter is not intended to impose an additional requirement on private
27 clubs licensed under §3-9-201 et seq. to obtain a permit for Sunday sales of
28 alcoholic beverages for on-premises consumption.

29 (b) No hotel, motel, or restaurant shall obtain a permit to sell
30 alcoholic beverages for on-premises consumption on Sundays unless:

31 (1) It has a valid and current permit, which is not suspended,
32 cancelled, or revoked, to sell alcoholic beverages for on-premises consumption
33 issued under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et seq.;

34 (2) It is located in a city or county where Sunday sales of
35 alcoholic beverages for on-premises consumption has been approved by the

1 voters of the city or county as authorized under Arkansas law;

2 (3) It meets all the requirements of being a hotel or a
3 restaurant as those items are defined in §3-9-402; and

4 (4) It pays the required fee for a permit as required in this
5 section and §3-9-407.

6 (c) However, any hotel or restaurant having been in operation for less
7 than ninety (90) days and without prior business experience on which to
8 determine the gross sales requirements for hotels and restaurants, as defined
9 in §3-9-402, may be issued a temporary Sunday sales permit to sell alcoholic
10 beverages for on-premises consumption on Sundays for a period not to exceed
11 ninety (90) days. The temporary ninety-day time period is to be used to allow
12 the business establishment to make a determination of its gross sales. The fee
13 for the temporary Sunday sales permit shall be twenty-five dollars (\$25.00)."
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15 SECTION 4. Subsection (d) of Arkansas Code §3-9-407 is hereby amended
16 to read as follows:

17 "(d) The fees required in this section are supplemental to the fees and
18 taxes levied by §3-5-301 et seq., §3-9-201 et seq., and §3-9-301 et seq., and
19 do not relieve any restaurant or hotel from paying permit or renewal fees or
20 supplemental gross receipts taxes levied by the State of Arkansas for sales of
21 alcoholic beverages for on-premises consumption made on Sunday."
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23 SECTION 5. Paragraph (2) of Subsection (a) of Arkansas Code §3-9-410 is
24 hereby amended to read as follows:

25 "(2) If the permit for on-premises consumption of alcoholic beverages
26 issued under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et seq. is
27 suspended, cancelled, or revoked for causes thereunder;"
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29 SECTION 6. Subsection (b) of Arkansas Code §3-9-411 is hereby amended
30 to read as follows:

31 "(b) However, nothing in this subchapter shall authorize holders of
32 permits for on-premises consumption of alcoholic beverages on Sundays to sell
33 or to dispense alcoholic beverages by the package or by the bottle for
34 consumption off the permitted premises."
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1 SECTION 7. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 8. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 9. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 10. EMERGENCY. (Failed to be adopted) It is hereby found and
15 determined by the General Assembly that although the sale of alcoholic
16 beverages on Sunday is permitted in some cities of this State, even in those
17 cities the sale of beer and wine is not permitted on Sunday; that it is
18 fundamentally unfair to authorize the Sunday sale of mixed drinks but to
19 prohibit the Sunday sale of beer and wine; that this act would provide equal
20 protection to the purveyors of beer and wine; that to give immediate effect to
21 this act will lessen the possibility of a challenge to the present law
22 allowing the Sunday sale of mixed drinks, and thereby save the taxpayers the
23 cost involved in defending the challenge and the cost of an unsuccessful
24 defense; and that, therefore, this act should go into effect immediately.
25 Therefore, an emergency is hereby declared to exist and this act being
26 immediately necessary for the preservation of the public peace, health, and
27 safety shall be in full force and effect from and after its passage and
28 approval.

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30 APPROVED: 3-8-95

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