

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 856 of 1999  
SENATE BILL 570

5 By: Senator Bearden  
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## For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL  
10 DIVISION TO ISSUE LICENSES FOR THE SALE OF WINE FOR  
11 ON-PREMISES CONSUMPTION; AND FOR OTHER PURPOSES. "

## Subtitle

14 "AN ACT TO AUTHORIZE THE ALCOHOLIC  
15 BEVERAGE CONTROL DIVISION TO ISSUE  
16 LICENSES FOR THE SALE OF WINE FOR ON-  
17 PREMISES CONSUMPTION. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### SECTION 1. Definitions.

22 As used in this act:

23 (1) "Director" means the Director of the Alcoholic Beverage Control  
24 Division;

25 (2) "License" means a license to sell wine for consumption on the  
26 premises. An annual fee of three hundred dollars (\$300) shall be paid for each  
27 license or renewal thereof. All moneys derived from such fees shall be  
28 deposited in the State Treasury as general revenues to the credit of the State  
29 Apportionment Fund;

30 (3) "Person" means any person, firm, partnership, association, or  
31 corporation; and

32 (4) "Wine" or "wines" means any port wine, sherry wine, vermouth wine,  
33 or other wines, the alcoholic content of which does not exceed fourteen  
34 percent (14%) by weight, regardless of whether the wines are manufactured  
35 within or without the State of Arkansas.  
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2 SECTION 2. Penalties.

3 If any facility licensed under this act to sell wines for consumption on  
4 the premises shall violate any of the provisions of this act or any of the  
5 provisions of other laws of this state regarding the sales of wine at retail,  
6 the owner or operator of the facility shall be guilty of a misdemeanor. Upon  
7 conviction, the owner or operator shall be fined in the sum of not less than  
8 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
9 imprisoned in the county jail not less than ten (10) days nor more than thirty  
10 (30) days, or be both so fined and imprisoned.

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12 SECTION 3. Sale by licensed facility authorized - Restrictions.

13 (a) It shall be lawful for any facility in this state to sell wines for  
14 consumption on the premises upon obtaining a license, and paying the fee  
15 therefor, from the director as provided in this act.

16 (b) However, it shall be unlawful for the director to issue any license  
17 to a facility for sales of wine for consumption on the premises in any city,  
18 county, township, or other area in this state wherein the sale and possession  
19 of wines is unlawful.

20 (c) All licenses shall be renewed annually in the manner provided by  
21 law.

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23 SECTION 4. License applications - Qualifications.

24 (a) No license shall be issued to any person authorizing the sale of  
25 wine at retail for consumption on the premises unless the person shall file  
26 with the Director of the Alcoholic Beverage Control Division a verified  
27 application therefor, accompanied by the fee required by law, and shall state  
28 in the application that he possesses the following qualifications:

29 (1) The applicant is a person of good moral character, a citizen  
30 or resident alien of the United States, and a resident of the county in which  
31 the permit will be operated, or resides within thirty-five (35) miles of the  
32 address of the premises described in the application;

33 (2) The applicant must be a resident of the State of Arkansas on  
34 the date of the application and maintain such residency within the state as a  
35 continuing qualification to hold the permit issued by the director;

36 (3) The applicant has never been convicted of a felony or has not

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

4 (4) The applicant has not had revoked within five (5) years next  
 5 preceding his application any license issued to him pursuant to the laws of  
 6 this state or any other state to sell alcoholic liquor of any kind;

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

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

12 (7)(A) If the applicant is a corporation, all officers and  
 13 directors thereof, any stockholder owning more than five percent (5%) of the  
 14 stock of such corporation, and the person or persons who shall conduct and  
 15 manage the licensed premises for the corporation shall possess all the  
 16 qualifications required herein for an individual license.

17 (B) The requirement as to residence shall not apply to  
 18 officers, directors, and stockholders of the corporation, but the requirement  
 19 shall apply to any officer, director, or stockholder who is also the manager  
 20 of the licensed premises, in any capacity, in the conduct or operation of the  
 21 licensed premises.

22 (b) Any misstatement or concealment of fact in the application shall be  
 23 grounds for the revocation of any license issued pursuant to the application.

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 25 SECTION 5. Prohibited acts.

26 No holder of a license authorizing the sale of wine for consumption on  
 27 the premises where sold, nor any servant, agent, or employee of the licensee,  
 28 shall do any of the following upon the licensed premises:

29 (1) Knowingly sell wine to a minor;

30 (2) Knowingly sell wine to any person while the person is in an  
 31 intoxicated condition;

32 (3) Sell wine upon the licensed premises or permit wine to be consumed  
 33 thereon on any day or at any time when the sale or consumption is prohibited  
 34 by law;

35 (4) Permit on the licensed premises any disorderly conduct, breach of  
 36 peace, or any lewd, immoral, or improper entertainment, conduct, or practices.

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SECTION 6. Revocation or suspension of license.

Proceedings for the revocation or suspension of any license issued pursuant to the provisions of this act shall be in the same manner as provided by law for revocation or suspension of licenses for sale of beer for consumption on the premises.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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

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

APPROVED: BECAME LAW ON 3/24/1999, WITHOUT THE GOVERNOR'S SIGNATURE.