

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 735 of the Regular Session

As Engrossed: H3/1/07 H3/8/07 S3/21/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HOUSE BILL 1500

4
5 By: Representative W. Lewellen
6
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING PUBLIC NOTICE OF THE ISSUANCE
10 OF ALCOHOL PERMITS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT CONCERNING PUBLIC NOTICE OF THE
14 ISSUANCE OF ALCOHOL PERMITS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 3-4-210 is amended to read as follows:
20 3-4-210. Applications - Notice requirements.

21 (a)(1) After filing an acceptable application with the ~~director~~
22 Director of the Alcoholic Beverage Control Division, the applicant shall
23 cause to be published at least once a week for ~~two (2)~~ four (4) consecutive
24 weeks in a legal newspaper of general circulation in the city in which the
25 premises are situated or, if the premises are not in a city, in a newspaper
26 of general circulation for the locality where the business is to be
27 conducted, a notice that the applicant has applied for a permit to sell
28 alcoholic beverages at retail.

29 (2) The notice shall be in such form as the Director of the
30 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
31 order and shall be verified.

32 (3) The notice shall give the names of the applicant and the
33 business and shall state that the applicant is a resident of Arkansas, a
34 citizen or resident alien of the United States, that he or she has a good
35 moral character, that he or she has never been convicted of a felony or had a



1 license to sell alcoholic beverages revoked within the five (5) years
2 preceding the date of notice, whether issued by this state or any other
3 state, and that he or she has not been convicted of violating laws, of this
4 state or any other state, governing the sale of alcoholic beverages within
5 five (5) years preceding the date of the notice.

6 (b)(1) Within five (5) days after filing an application for a permit
7 to sell alcoholic beverages at retail at any premises, a notice of the
8 application shall be posted in a conspicuous place at the entrance to the
9 premises.

10 (2) The applicant shall notify the Director of the Alcoholic
11 Beverage Control Division of the date when notice is first posted.

12 (3) No permit shall be issued to any applicant until proper
13 notice has been posted on the premises for at least thirty (30) consecutive
14 days.

15 (4)(A) The notice shall be in such form as the Director of the
16 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
17 order.

18 (B) The notice shall be:

19 (i) At least eleven inches (11") in width and
20 seventeen inches (17") in height; and

21 (ii) Printed in black lettering on a yellow
22 background.

23 (c)(1) Upon receipt by the Director of the Alcoholic Beverage Control
24 Division of an application for a permit, written notice thereof, which shall
25 include a copy of the application, the application shall immediately be
26 mailed by the director to the sheriff, chief of police, if located within a
27 city, and prosecuting attorney of the locality in which the premises are
28 situated, and to the city board of directors or other governing body of the
29 city in which the premises are situated, if within an incorporated area.

30 (2) No license shall be issued by the director until at least
31 thirty (30) days have passed from the mailing by the director of the notices
32 required by this section.

33
34 SECTION 2. Arkansas Code § 3-4-211 is amended to read as follows:

35 3-4-211. Applications - Protests.

36 Upon receipt by the Director of the Alcoholic Beverage Control Division

1 within thirty (30) days of a protest against issuance of a permit by a
2 governing official of the city or county to whom the notice of an application
3 for permit has been mailed, the director shall not issue the license until he
4 or she has held a public hearing.

5
6 SECTION 3. Arkansas Code § 3-9-222 is amended to read as follows:

7 3-9-222. Private clubs - Procedure for obtaining permit.

8 (a) Application for a permit to operate as a private club may be made
9 to the Director of the Alcoholic Beverage Control Division in accordance with
10 the rules ~~and regulations~~ of the Alcoholic Beverage Control Board.

11 (b)(1) The application for a private club shall be accompanied by an
12 annual permit fee of five hundred dollars (\$500).

13 (2) The application for a bed and breakfast private club shall
14 be accompanied by an annual permit fee of seventy-five dollars (\$75.00).

15 (c)(1) After filing an acceptable application with the director, the
16 applicant shall cause to be published at least once a week for ~~two (2)~~ four
17 (4) consecutive weeks in a legal newspaper of general circulation in the city
18 in which the premises are situated or, if the premises are not in a city, in
19 a newspaper of general circulation for the locality where the business is to
20 be conducted, a notice that the applicant has applied for a permit to
21 dispense alcoholic beverages on the premises.

22 (2) The notice shall be in such form as the director shall
23 prescribe by rule, ~~regulation~~, or order and shall be verified.

24 (3) The notice shall give the names of the managing agent and
25 the nonprofit corporation or, in the case of a bed and breakfast private
26 club, the name of the business owner, and shall state:

27 (A) That the manager, or in the case of a bed and
28 breakfast private club, the owner, at least one (1) partner, or the majority
29 stockholder is a citizen of Arkansas;

30 (B) That he or she has a good moral character;

31 (C) That he or she has never been convicted of a felony or
32 had a license to sell or dispense alcoholic beverages revoked within the five
33 (5) years preceding the date of the notice; and

34 (D) That he or she has never been convicted of violating
35 the laws of this state or of any other state governing the sale or dispensing
36 of alcoholic beverages.

1 (d)(1) Within five (5) days after filing an application for a permit
2 to dispense alcoholic beverages on the premises, a notice of the application
3 shall be posted in a conspicuous place at the entrance to the premises.

4 (2) The applicant shall notify the Director of the Alcoholic
5 Beverage Control Division of the date when the notice is first posted.

6 (3) No permit shall be issued to any applicant until proper
7 notice has been so posted on the premises for at least thirty (30)
8 consecutive days.

9 (4)(A) The notice shall be in such form as the Director of the
10 Alcoholic Beverage Control Division shall prescribe by rule, ~~regulation~~, or
11 order.

12 (B) The notice shall be:

13 (i) At least eleven inches (11") in width and
14 seventeen inches (17") in height; and

15 (ii) Printed in black lettering on a yellow
16 background.

17 (e)(1) Upon receipt by the Director of the Alcoholic Beverage Control
18 Division of an application for a permit, written notice thereof, which shall
19 include a copy of the application, the application shall immediately be
20 mailed by the director to the sheriff, chief of police, if located within a
21 city, prosecuting attorney of the locality in which the premises are
22 situated, and city board of directors or other governing body of the city in
23 which the premises are situated if within an incorporated area. The
24 provisions of this section shall be retroactive to July 28, 1995.

25 (2) No license shall be issued by the director until at least
26 thirty (30) days have passed from the mailing by the director of the notices
27 required by this section.

28 (3) Upon receipt by the Director of the Alcoholic Beverage
29 Control Division within the thirty (30) days of a protest against the
30 issuance of a permit by a governing official of the city or county to whom
31 the notice of an application for permit has been mailed, the director shall
32 not issue the license until he or she has held a public hearing.

33 (f) Upon the director's determining that the applicant is qualified
34 hereunder and that the application is in the public interest, a permit may be
35 issued as authorized in this section.

36

1

/s/ W. Lowell

APPROVED: 3/30/2007n