

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 3-4-210, 3-5-
9 215, 3-5-304, 3-9-210, AND 3-9-405 TO PROVIDE THAT PERSONS
10 WHO RESIDE WITHIN TWENTY-FIVE (25) MILES OF THE ADDRESS OF
11 PREMISES DESCRIBED IN THE APPLICATION MAY APPLY FOR
12 PERMITS ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION
13 OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR
14 OTHER PURPOSES."

Subtitle

16
17 "TO AUTHORIZE PERSONS RESIDING WITHIN 25 MILES OF PREMISES
18 DESCRIBED IN THE APPLICATION TO APPLY FOR ABC PERMITS."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 3-4-210(a) is hereby amended to read as
23 follows:

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

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

34 (3) The notice shall give the names of the applicant and the
35 business and shall state that applicant is a resident of Arkansas or resides

1 within twenty-five (25) miles of the address of the premises described in the
2 application, a citizen or resident alien of the United States, that he has a
3 good moral character, that he has never been convicted of a felony or had a
4 license to sell alcoholic beverages revoked within the five (5) years
5 preceding the date of notice, whether issued by this state or any other state,
6 and that he has not been convicted of violating laws, of this state or any
7 other state, governing the sale of alcoholic beverages within five (5) years
8 preceding the date of the notice."

9

10 SECTION 2. Arkansas Code § 3-5-215 is hereby amended to read as
11 follows:

12 "3-5-215. Qualifications of retail permittees. No permit shall be
13 granted to any permittee by the state or any county or municipality to a
14 person who is not a resident of the State of Arkansas or does not reside
15 within twenty-five (25) miles of the address of the premises described in the
16 application on the date of application."

17

18 SECTION 3. Arkansas Code § 3-5-304(a) is hereby amended to read as
19 follows:

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

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

30 (3) The notice shall give the names of the applicant and the
31 business and shall state that the applicant is a resident of Arkansas or
32 resides within twenty-five (25) miles of the address of the premises described
33 in the application, that he has a good moral character, that he has never been
34 convicted of a felony or had a license to sell alcoholic beverages revoked
35 within the five (5) years preceding the date of this notice, whether issued by

1 this state or any other state, and that he has not been convicted of violating
2 laws, of this state or any other state, governing the sale of alcoholic
3 beverages within five (5) years preceding the date of this notice."

4

5 SECTION 4. Arkansas Code § 3-9-210(c) is hereby amended to read as
6 follows:

7 "(c) The board shall have authority to require an applicant, under
8 oath, to disclose the following information:

9 (1) The name of the applicant;

10 (2) Location of the hotel or restaurant;

11 (3) Sufficient data to establish that the applicant meets the
12 requirements of §3-9-202;

13 (4) The names and addresses of all owners of the hotel or
14 restaurant;

15 (5) That the applicant is a citizen or resident alien of the
16 United States and a resident of Arkansas or resides within twenty-five (25)
17 miles of the address of the premises described in the application on the date
18 of application, and if a corporation, duly qualified to do business in this
19 state;

20 (6) That neither the applicant nor any person to be employed in
21 the serving of beverages authorized herein shall be a person who has been
22 convicted within five (5) years of the date of their employment of any
23 violation of the laws against possession, sale, manufacture, or transportation
24 of intoxicating liquor, or convicted of a felony;

25 (7) That the manager or operator of the hotel or restaurant
26 seeking the permit is of good moral character and not a convicted felon; and

27 (8) Such other relevant information as may be required."

28

29 SECTION 5. Arkansas Code § 3-9-405(a) is hereby amended to read as
30 follows:

31 "(a) Any hotel or restaurant as defined in § 3-9-402 desiring to sell
32 alcoholic beverages for on-premises consumption on Sundays shall make
33 application to the director for a permit upon the forms prescribed and
34 furnished by the director and in accordance with the rules and regulations of
35 the board. The board shall have authority to require an applicant, under

1 oath, to disclose the following information:

2 (1) The name of the applicant;

3 (2) The location of the hotel or restaurant;

4 (3) Sufficient data to establish that the applicant meets the
5 requirements of §§ 3-9-402 and 3-9-404;

6 (4) The names and addresses of all owners of the hotel or
7 restaurant;

8 (5) That the applicant is a citizen or resident alien of the
9 United States and a resident of Arkansas or resides within twenty-five (25)
10 miles of the address of the premises described in the application on the date
11 of application, and if a corporation, duly qualified to do business in this
12 state;

13 (6) That neither the applicant nor any person to be employed in
14 the serving of beverages authorized herein shall be a person who has been
15 convicted within five (5) years of the date of their employment of any
16 violation of the laws against possession, sale, manufacture, or transportation
17 of intoxicating liquor, or convicted of a felony;

18 (7) That the manager or operator of the hotel or restaurant
19 seeking the permit is of good moral character and not a convicted felon; and

20 (8) Such other relevant information as may be required."
21

22 SECTION 6. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.
25

26 SECTION 7. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.
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32 SECTION 8. All laws and parts of laws in conflict with this act are
33 hereby repealed.
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