

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO PERMIT SUNDAY SALES OF BEER AND WINE ONLY BY
9 CERTAIN HOTEL AND RESTAURANTS; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO PERMIT SUNDAY SALES OF BEER AND WINE ONLY BY
13 CERTAIN HOTELS AND RESTAURANTS."

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17 SECTION 1. As used in this act, unless the context otherwise requires:

18 (1) "Beer" means any fermented liquor made from malt or any substitute
19 thereof and having an alcoholic content of more than one-half of one percent
20 (.5%) of alcohol by weight but not in excess of five percent (5%) by weight;

21 (2) "Wine" means any light wine, port wine, sherry, vermouth or any
22 other wine, the alcohol content of which is more than one-half of one percent
23 (.5%) of alcohol by weight and which does not exceed twenty-one percent (21%)
24 alcohol by weight, regardless of whether the wine is manufactured within or
25 without the state of Arkansas;

26 (3) "Director" means the Director of the Department of Alcoholic
27 Beverage Control;

28 (4) "Board" means any Alcoholic Beverage Control Board of this state or
29 any successor agency;

30 (5) "Hotel" has the same meaning as prescribed by §3-9-402(4);

31 (6) "Restaurant" means any public or private place, without sleeping
32 accommodations and that place:

33 (A) Is kept, used, maintained, advertised, and held out to the
34 public or to a private or restricted membership as a place whose primary
35 function and purpose is to take orders for and to serve food and food items;

1 (B) Actually serves full and complete meals prepared in a fully
2 equipped and sanitary kitchen and prepared from uncooked foods for service to
3 and consumption by its guests or members on the premises;

4 (C) Has employed a sufficient number and kind of employees to
5 prepare, cook, and serve suitable foods to its guests or members;

6 (D) On Sundays serves alcoholic beverages on-premises only, in
7 conjunction with meals;

8 (E) Serves food on all days of operations;

9 (F) Maintains separate sales figures for alcoholic beverages;

10 (G) Has gross sales of sixty percent (60%) or more from the sale
11 of food, food items, and nonalcoholic beverages.

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13 SECTION 2. (a) Any hotel or restaurant that is licensed to sell beer
14 and wine for on-premise consumption under §3-5-201, et seq., and §3-9-301, et
15 seq., may sell beer and wine for on-premise consumption on Sundays after
16 obtaining a permit, approved and issued by the director in accordance with
17 rules and regulations promulgated by the board for the sale of beer and wine
18 for on-premise consumption on Sundays.

19 (b) No hotel or restaurant may obtain a permit to sell beer and wine
20 for on-premises consumption on Sundays unless it:

21 (1) Has valid and current permits, which are not suspended,
22 cancelled, or revoked, to sell beer and wine for on-premises consumption
23 issued under §3-5-201, et seq. and §3-9-301, et seq.;

24 (2) Is located in a city of the first or second class or county
25 where Sunday sales of beer and wine for on-premises consumption has been
26 approved by the voters of the city or county, said election to be held in
27 conformance with the methods used to call elections under §3-9-201, et seq.;

28 (3) Pays the required fee for a permit as required in this act.

29 (c) However, any hotel or restaurant having been in operation for less
30 than ninety (90) days and without prior business experience in which to
31 determine the gross sales requirements for hotels and restaurants, as defined
32 in §3-9-402, may be issued a temporary Sunday sales permit to sell beer and
33 wine for on-premises consumption on Sundays for a period not to exceed ninety
34 (90) days. The temporary ninety (90) day time period is to be used to allow
35 the business establishment to make a determination of its gross sales. The

1 fee for the temporary Sunday sales permit to allow the sale of beer and wine
2 on a Sunday in such qualified restaurants or hotels shall be twenty-five
3 dollars (\$25.00).

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5 SECTION 3. (a) Any hotel or restaurant desiring to sell beer and wine
6 only for on-premises consumption shall make application to the director for a
7 permit upon forms prescribed and furnished by the director in accordance with
8 the rules and regulations of the board.

9 (b) No applicant shall be authorized to make any such sales until a
10 permit is approved and issued by the director.

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

13 (1) The name of the applicant;

14 (2) Location of the hotel or restaurant;

15 (3) Sufficient data to establish that the applicant meets the
16 requirements of §3-9-402;

17 (4) The names and addresses of all owners or the hotel or
18 restaurant;

19 (5) That the applicant is a citizen or resident alien of the
20 United States and a resident of Arkansas on the date of application, and if a
21 corporation, qualified to do business in this state;

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

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

29 (8) Other such relevant information as may be required.

30 (d) Every permit issued under this act shall be for an indeterminate
31 period, subject to compliance with the annual renewal requirements herein
32 prescribed and shall not be transferable or assignable as to owner or
33 premises, except upon the written approval of the director.

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35 SECTION 4. (a) Each application for a Sunday sales permit shall be

1 accompanied by a permit fee in the following applicable amount:

2 Hotel, having fewer than 100 rooms..... \$100.

3 Hotel, having 100 or more rooms..... \$200.

4 Restaurant, having a seating capacity of less
5 than 100 persons..... \$100.

6 Restaurant, having a seating capacity of 100
7 or more persons..... \$200.

8 (b) An annual renewal fee in the same amount is provided in subsection
9 (a) of this section shall be paid to the director on or before June 30 of each
10 calendar year for the fiscal year beginning July 1.

11 (c) The fee for a permit issued between January 1 and July 1 shall be
12 one-half (1/2) of the applicable amount specified in subsection (a) of this
13 section.

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15 SECTION 5. The provisions of Subchapter 4 of Chapter 9, Title 3 of the
16 Arkansas Code are applicable to this act to the extent that they are not in
17 conflict herewith.

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19 SECTION 6. A referendum election authorizing the Sunday sale of beer
20 and wine in hotels and restaurants as defined herein for on-premise
21 consumption in any city of the first or second class or any county which
22 already authorizes the sale of intoxicating beverages may be had under the
23 general provisions of ACA §3-9-201, et seq. The ballot title under any
24 election being called to authorize the Sunday sale of beer and wine shall
25 indicate that the persons are voting for or against the sale of beer and wine
26 for on-premises consumption in the geographic area being covered by the
27 election. To the extent not in conflict herewith the referendum provisions of
28 ACA §3-9-201, et seq. shall apply to this law.

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

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34 SECTION 8. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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

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