

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 AMEND ARKANSAS CODE §3-4-402, §3-4-403, AND §3-
9 4-404, TO INCREASE THE MINIMUM MONETARY FINE THAT MAY BE
10 LEVIED AGAINST AN ALCOHOLIC BEVERAGE CONTROL PERMIT AND TO
11 UPGRADE CERTAIN VIOLATIONS OF ALCOHOLIC BEVERAGE CONTROL
12 REGULATIONS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO INCREASE THE MINIMUM FINE THAT MAY BE LEVIED
15 AGAINST AN ALCOHOLIC BEVERAGE CONTROL PERMIT AND TO
16 UPGRADE CERTAIN VIOLATIONS OF ABC REGULATIONS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code §3-4-402 is amended to read as follows:

22 "§3-4-402. Classes of violations and fines - Multiple offenses.

23 (a) The following classes of alcoholic beverage control permit
24 violations and fines are authorized to be levied and are established:

25 (1) Class A permit violations: Five hundred dollars (\$500) to one
26 thousand dollars (\$1,000);

27 (2) Class B permit violations: Two hundred dollars (\$200) to five
28 hundred dollars (\$500);

29 (3) Class C permit violations: One hundred dollars (\$100) to two
30 hundred dollars (\$200).

31 (b) The Director of the Alcoholic Beverage Control Division and the board
32 are hereby authorized to levy additional fines up to double the amount for the
33 classes of violations found in subsection (a) of this section for a second
34 offense of the same violation within a twelve-month period, and up to three

35 (3) times the fines authorized for the classes listed in subsection (a) of

1 this section for a third offense of the same violation within a twelve-month
2 period."

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4 SECTION 2. Arkansas Code §3-4-403 is amended to read as follows:

5 "§3-4-403. Class A violations.

6 The following acts on the part of any permittee are Class A permit
7 violations:

8 (1) Failure to furnish access to premises by any law enforcement
9 officer or any authorized Alcoholic Beverage Control personnel or failure to
10 cooperate or take reasonable action to assist any such law enforcement
11 officers or authorized Alcoholic Beverage Control personnel who are on the
12 permitted premises in the performance of their duties;

13 (2) Failure to allow inspection of books or records;

14 (3) Posting permit on unauthorized premises;

15 (4) Manufacture or possession of controlled beverage with excess
16 alcoholic content;

17 (5) Sale by manufacturer to other than wholesaler. Provided, sales
18 authorized by any law of the state relating to native wines shall not
19 constitute a violation;

20 (6) Sale by wholesaler to other than retailer;

21 (7) Ownership or other interest in retail outlet by manufacturer or
22 wholesaler. Provided, that such ownership or other interest authorized by any
23 law of this state relating to native wines shall not be a violation;

24 (8) Unauthorized gift or service to retailers by manufacturer or
25 wholesaler;

26 (9) Use of post-dated checks for payment of controlled beverages and
27 merchandise;

28 (10) Wholesaler making delivery to consumer;

29 (11) The permittee possessed, or knew or reasonably should have known
30 that any agent or employee or patron of the establishment possessed on the
31 permitted premises, any illegal drug or narcotic or controlled substance, or
32 that any agent or employee while acting on the permittee's behalf knowingly
33 allowed the possession on the permitted premises of any illegal drug or
34 narcotic or controlled substance;

35 (12) Selling or allowing the consumption of alcoholic beverages on the

1 permitted premises when the permit is suspended or on inactive status."

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3 SECTION 3. Arkansas Code §3-4-404 is amended to read as follows:

4 "§3-4-404. Class B violations.

5 The following acts on the part of the permittee are Class B violations:

6 (1) Pledge, hypothecation, or use of permit as collateral;

7 (2) Defacing, destroying, or altering permit;

8 (3) Transporting controlled beverages in violation of regulations or
9 law;

10 (4) Manufacturing, selling, offering, dispensing, or giving away,
11 possessing, or transporting of controlled beverages upon which tax is not
12 paid;

13 (5) Failure to maintain proper records by manufacturer;

14 (6) Failure by wholesaler to maintain proper records;

15 (7) Failure by wholesaler to register new brands;

16 (8) Giving of samples by permittee without authorization;

17 (9) Sales for anything other than cash or check;

18 (10) Delivery without invoice by wholesaler;

19 (11) Selling to minors;

20 (12) Selling to the insane;

21 (13) Selling to bootleggers;

22 (14) Accepting food stamps in payment for controlled beverages;

23 (15) Unauthorized employment of minors;

24 (16) Any disorderly conduct or a breach of the peace by patrons or
25 employees on the permitted premises. Such disorderly conduct shall include
26 but not be limited to fights, brawls, or disturbances which result in bodily
27 injury to any degree to any person on the premises;

28 (17) Violation of § 3-3-218, failure to be a good neighbor;

29 (18) Selling to an intoxicated person;

30 (19) Unauthorized manufacturing, selling, offering, dispensing, or
31 giving away of controlled beverages;

32 (20) Unlawful manufacture or sale in a dry area;

33 (21) Conducting or permitting gambling on premises;

34 (22) Violation of legal closing hours;

35 (23) Sale of controlled beverages by vending machine;

1 (24) Possession of a weapon on the permitted premises by any person
2 without a possessory or proprietary interest in the permitted premises."

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4 SECTION 4. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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

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

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(3) Class C permit violations: One hundred dollars (\$100) to two hundred dollars (\$200).

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2 are hereby authorized to levy additional fines up to double the amount for the
3 classes of violations found in subsection (a) of this section for a second
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5 (3) times the fines authorized for the classes listed in subsection (a) of
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- 13 (3) Transporting controlled beverages in violation of regulations or
14 law;
- 15 (4) Manufacturing, selling, offering, dispensing, or giving away,
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- 18 (5) Failure to maintain proper records by manufacturer;
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