

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 305 of 1999  
SENATE BILL 321

5 By: Senator Dowd  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO CONTROL AND STRENGTHEN THE LOCAL  
10 ENFORCEMENT OF OPERATING HOURS OF ESTABLISHMENTS  
11 LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION;  
12 AND FOR OTHER PURPOSES."  
13

## Subtitle

14 "AN ACT TO CONTROL AND STRENGTHEN THE  
15 LOCAL ENFORCEMENT OF OPERATING HOURS OF  
16 ESTABLISHMENTS LICENSED BY THE ALCOHOLIC  
17 BEVERAGE CONTROL DIVISION."  
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19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Title 3, Chapter 4, Subchapter 4 of the Arkansas Code is  
24 amended by adding the following section to be appropriately number by the  
25 Arkansas Code Revision Commission:

26 "Violation of Local Closing Hours Laws.

27 (a) The Arkansas General Assembly, by legislation, and the Alcoholic  
28 Beverage Control Division, by regulations, have created general closing hours  
29 for establishments which sell or dispense alcoholic beverages. However, the  
30 Arkansas General Assembly and the Alcoholic Beverage Control Division have  
31 also given the power to local city governments or local county quorum courts  
32 to adopt hours of operation which are more restrictive than the general hours  
33 of operation stated for certain permits issued by the Alcoholic Beverage  
34 Control Division. It is recognized that it is more convenient for local  
35 authorities to change local ordinances on a basis that can be more frequent  
36 than the basis with which the Legislature meets or the Alcoholic Beverage

1 Control Division adopts regulations. For that reason, local control of these  
 2 issues, as allowed by code sections and regulations, is desirable. It is also  
 3 recognized that when a city or county adopts a more restrictive law in this  
 4 area it is unnecessary and burdensome for the city or county to notify the  
 5 Alcoholic Beverage Control Division each time that a modification is made to  
 6 local laws, and for this reason enforcement of more restrictive ordinances  
 7 should be by local law enforcement personnel which are attached to the  
 8 jurisdiction which creates the more restrictive hours of operations law.

9 (b) It is hereby provided that when any permittee of the Alcoholic  
 10 Beverage Control Division is cited with a violation of any local closing hour  
 11 ordinance adopted by a city government or county government, that violation of  
 12 ordinance, which is more restrictive than provided for by the state, shall be  
 13 punishable by a fine of one hundred dollars (\$100) to five hundred dollars  
 14 (\$500) and that violation shall not be considered to be an administrative  
 15 violation against the permit issued by the Alcoholic Beverage Control  
 16 Division.

17 (c) Enforcement of the more restrictive local ordinances and the  
 18 issuance of citations for violations thereof shall be by local law enforcement  
 19 officers within the jurisdiction where such ordinance is in effect. Such  
 20 citations shall only be heard in a local court of competent jurisdiction."

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 22 SECTION 2. 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 3. 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.

31  
 32 SECTION 4. All laws and parts of laws in conflict with this act are  
 33 hereby repealed.

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 36 APPROVED: 2/25/1999