

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A BILL ACT 605 OF 1991
SENATE BILL 296

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §3-4-403, §3-4-
9 404, AND §3-4-405 TO UPGRADE CERTAIN VIOLATIONS OF
10 ALCOHOLIC BEVERAGE CONTROL REGULATIONS; AND FOR OTHER
11 PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated 3-4-403 is hereby amended to read as
16 follows:

17 "3-4-403. Class A violations. The following acts on the part of any
18 permittee are Class A permit violations:

19 (1) Failure to furnish access to premises by any law enforcement
20 officer or any authorized Alcoholic Beverage Control personnel;

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

22 (3) Posting permit on unauthorized premises;

23 (4) Manufacture or possession of controlled beverage with excess
24 alcoholic content;

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

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

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

32 (8) Unauthorized gift or service to retailers by manufacturer or
33 wholesaler;

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

36 (10) Wholesaler making delivery to consumer;

1 (11) The permittee possessed, or knew or reasonably should have known
2 that any agent or employee or patron of the establishment possessed on the
3 permitted premises, any illegal drug or narcotic or controlled substance, or
4 that any agent or employee while acting on the permittee's behalf knowingly
5 allowed the possession on the permitted premises of any illegal drug or
6 narcotic or controlled substance."

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8 SECTION 2. Arkansas Code Annotated 3-4-404 is hereby amended to read as
9 follows:

10 "3-4-404. Class B violations. The following acts on the part of the
11 permittee are Class B violations:

- 12 (1) Pledge, hypothecation or use of permit as collateral;
- 13 (2) Defacing, destroying or altering permit;
- 14 (3) Transporting controlled beverages in violation of regulations or
15 law;
- 16 (4) Manufacturing, selling, offering, dispensing, or giving away,
17 possessing, or transporting of controlled beverages upon which tax is not
18 paid;
- 19 (5) Failure to maintain proper records by manufacturer;
- 20 (6) Failure by wholesaler to maintain proper records;
- 21 (7) Failure by wholesaler to register new brands;
- 22 (8) Giving of samples by permittee without authorization;
- 23 (9) Sales for anything other than cash or check;
- 24 (10) Delivery without invoice by wholesaler;
- 25 (11) Selling to minors;
- 26 (12) Selling to the insane;
- 27 (13) Selling to bootleggers;
- 28 (14) Accepting food stamps in payment for controlled beverages;
- 29 (15) Unauthorized employment of minors
- 30 (16) Allowing, by the permittee or any employee of the permitted outlet,
31 any disorderly conduct or a breach of the peace by patrons or employees on the
32 permitted premises. Such disorderly conduct shall include but not be limited
33 to fights, brawls, or disturbances which result in bodily injury to any degree
34 to any person on the premises;
- 35 (17) Violation of Act 695 of 1989, Failure To Be A Good Neighbor;

- 1 (18) Selling to an intoxicated person;
- 2 (19) Unauthorized manufacturing, selling, offering, dispensing, or
- 3 giving away of controlled beverages;
- 4 (20) Unlawful manufacture or sale in a dry area;
- 5 (21) Conducting or permitting gambling on premises;
- 6 (22) Violation of legal closing hours;
- 7 (23) Sale of controlled beverages by vending machine."

8
9 SECTION 3. Arkansas Code Annotated 3-4-405 is hereby amended to read as
10 follows:

11 "3-4-405. Class C violations. (a) The following acts on the part of
12 any permittee are Class C permit violations:

- 13 (1) Sale of controlled beverages when the permit is not posted;
- 14 (2) Failure to maintain health, safety, and sanitary standards;
- 15 (3) Removing or obliterating a container label or mark;
- 16 (4) Consuming a controlled beverage while on duty;
- 17 (5) Failure to surrender permit when the business has been voluntarily
- 18 inoperative for over thirty (30) days;
- 19 (6) Storing controlled beverages in unauthorized warehouses, with each
- 20 day constituting a separate offense after notice;
- 21 (7) Failure to make proper application and obtain approval for acting
- 22 as a sales agent for a manufacturer, wholesaler, or rectifier unless duly
- 23 authorized by the director;
- 24 (8) Use of an unlabeled dispensing faucet;
- 25 (9) Failure of a retailer to keep and maintain records;
- 26 (10) Unauthorized sale of broken packages and merchandise;
- 27 (11) Negligently allowing prostitutes to frequent the premises;
- 28 (12) Allowing immoral conduct on premises;
- 29 (13) Disposing of or receiving samples by a retailer;
- 30 (14) Negligently selling to the users of narcotics;
- 31 (15) Delivery of controlled beverages by a retailer away from his
- 32 permitted premises;
- 33 (16) Sale of controlled beverages in container or of size other than
- 34 that approved;
- 35 (17) Misrepresentation of a brand, or keeping beverages in an

1 unauthorized container, or refilling, diluting, or failing to destroy empty
2 bottles;

3 (18) Failure to maintain membership books or properly maintain
4 guestbooks by a private club;

5 (19) Allowing an unauthorized guest in a private club;

6 (20) Dispensing to nonmembers or nonguests by a private club;

7 (21) Unauthorized purchasing by a private club from other than a
8 retailer;

9 (22) Failure of a private club to maintain financial records;

10 (23) Failure by a private club to furnish the name and address of the
11 authorized public accountant and bookkeeper;

12 (24) Unauthorized advertising by a private club;

13 (25) Unauthorized transportation of alcoholic beverages through a dry
14 area without a permit;

15 (26) Failure to keep and maintain records or make a report.

16 (b) Any other act that is determined at an appropriate hearing by
17 the director to be a violation will be considered a Class C permit violation
18 and may be fined accordingly."
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20 SECTION 4. All provisions of this act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.
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24 SECTION 5. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.
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30 SECTION 6. All laws and parts of laws in conflict with this act are
31 hereby repealed.
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33 APPROVED: 3-19-91
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