

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Dowd**

# A Bill

**ACT 715 OF 1995**  
**SENATE BILL 590**

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR A LOCAL OPTION ELECTION TO PERMIT  
9 SUNDAY SALES OF BEER AND WINE ONLY BY CERTAIN HOTELS AND  
10 RESTAURANTS; AND FOR OTHER PURPOSES."

### Subtitle

13 "TO PROVIDE FOR A LOCAL OPTION ELECTION  
14 TO PERMIT SUNDAY SALES OF BEER AND WINE  
15 ONLY BY CERTAIN HOTELS AND RESTAURANTS."

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

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

20 (1) "Beer" means any fermented liquor made from malt or any substitute  
21 thereof and having an alcoholic content of more than one-half of one percent  
22 (.5%) of alcohol by weight but not in excess of five percent (5%) by weight;

23 (2) "Wine" means any light wine, port wine, sherry, vermouth or any  
24 other wine, the alcohol content of which is more than one-half of one percent  
25 (.5%) of alcohol by weight and which does not exceed fourteen percent (14%)  
26 alcohol by weight, regardless of whether the wine is manufactured within or  
27 without the state of Arkansas;

28 (3) "Director" means the Director of the Department of Alcoholic  
29 Beverage Control;

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

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

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

35 (A) Is kept, used, maintained, advertised, and held out to the  
36 public or to a private or restricted membership as a place whose primary

1 function and purpose is to take orders for and to serve food and food items;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) The name of the applicant;

15 (2) Location of the hotel or restaurant;

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

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

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

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

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

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

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

35

1 SECTION 4. (a) Each application for a Sunday sales permit shall be  
2 accompanied by a permit fee in the following applicable amount:

- 3 Hotel, having fewer than 100 rooms..... \$100.
- 4 Hotel, having 100 or more rooms..... \$200.
- 5 Restaurant, having a seating capacity of less  
6 than 100 persons..... \$100.
- 7 Restaurant, having a seating capacity of 100  
8 or more persons..... \$200.

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

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

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

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20 SECTION 6. A referendum election authorizing the Sunday sale of beer  
21 and wine in hotels and restaurants as defined herein for on-premises  
22 consumption in any city of the first class or second class or any county which  
23 already authorizes the sale of intoxicating beverages may be held under the  
24 general provisions of ACA § 3-9-201, et seq. On the ballot for the election  
25 shall be printed substantially the following:

26 [ ] FOR THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON A  
27 SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),  
28 ARKANSAS, AS AUTHORIZED BY LAW.

29 [ ] AGAINST THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON A  
30 SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),  
31 ARKANSAS, AS AUTHORIZED BY LAW.

32 To the extent not in conflict herewith the referendum provisions of ACA  
33 § 3-9-201, et seq. shall apply to this law.

34

35 SECTION 7. The Sunday hours of operation for the Sunday Beer and Wine

1 Permit shall be the same hours of operation established for Sunday Mixed Drink  
2 Permits as set by ACA § 3-9-215.

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4 SECTION 8. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

7

8 SECTION 9. 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 10. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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18 APPROVED: 3-21-95

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