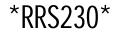
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	A D:11	
2	82nd General Assembly	A Bill	Act 305 of 1999
3	Regular Session, 1999		SENATE BILL 321
4			
5	By: Senator Dowd		
6			
7			
8		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 OTHE	R PURPOSES. "	
13			
14	Subtitle		
15	"AN ACT TO CONTROL AND STRENGTHEN THE		
16	LOCAL ENFORCEMENT OF OPERATING HOURS OF		
17	ESTABLI SHMENTS LI CENSED BY THE ALCOHOLI C		
18	BEVERAC	GE CONTROL DIVISION."	
19			
20			
21	BE IT ENACTED BY THE GEN	IERAL ASSEMBLY OF THE STATE OF ARK	(ANSAS:
22			
23	SECTION 1. Title	3, Chapter 4, Subchapter 4 of the	e Arkansas Code is
24	amended by adding the following section to be appropriately number by the		
25	Arkansas Code Revision Commission:		
26	" <u>Violation of Loca</u>	I Closing Hours Laws.	
27	<u>(a) The Arkansas</u>	General Assembly, by legislation	<u>n, and the Alcoholic</u>
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		



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Control Division adopts regulations. For that reason, local control of these 1 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 area it is unnecessary and burdensome for the city or county to notify the 4 5 Alcoholic Beverage Control Division each time that a modification is made to local laws, and for this reason enforcement of more restrictive ordinances 6 7 should be by local law enforcement personnel which are attached to the jurisdiction which creates the more restrictive hours of operations law. 8 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 ordinance adopted by a city government or county government, that violation of 11 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 (\$500) and that violation shall not be considered to be an administrative 14 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." 21 22 SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code 23 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. 34 35 APPROVED: 2/25/1999 36

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