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SUBTITLE G – EXCURSION TRAIN PERMITS

Section 3.29 “Excursion train” means a train made available to the public through ticket sales for scheduled dates and times for operation over a common carrier railroad or railroad authority that operates on a fixed schedule or route with a specific beginning and ending point.

Section 3.30 “Alcoholic beverage,” for purposes of this subtitle, means spiritous liquor, vinous liquor, small farm wine, light wine, malt liquor, and hard cider.

Section 3.31 Scope of Excursion Train Permit.

An excursion train permit may sell and serve alcoholic beverages on an excursion train. Sale and service of alcoholic beverages for on-premise consumption may occur only when the train is located in a territory that has authorized the sale of alcoholic beverages. A permittee is also authorized to store alcoholic beverages, legally purchased, onboard the excursion train.

Section 3.32 Permit application.

An application for an excursion train permit shall be made in writing, on a form approved by the Director, and verified by the applicant for the permit. The application shall include a description of the excursion train and identify the areas where alcoholic beverages are sold and served. The application shall be accompanied by a permit fee of two hundred dollars (\$200.00).

Section 3.33 Separate storage facility – Application. An excursion train permittee shall notify the Alcoholic Beverage Control of its intent to operate a separate storage facility by providing the following information.

- (1) A completed excursion train separate storage facility application form;
- (2) A floor plan of the separate storage facility; and
- (3) Certification that the proposed storage facility is in compliance with any local zoning requirements for the location.

Upon receipt of an acceptable application, the Alcoholic Beverage Control shall issue an endorsement to the excursion train permittee. The endorsement shall be posted on the premises of the separate storage facility in compliance with the Rule 1.37. Such endorsement allows an excursion train permittee to store legally purchased alcoholic beverages for sale on the excursion train.

Section 3.34 Posting of permit. Excursion train permittees shall post their Alcoholic Beverage permit pursuant to Rule 1.37. In addition, the excursion train permittees shall post a copy of their excursion train permit, pursuant to Rule 1.37, in each train car in which alcoholic beverages will be sold and served.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H1/25/21

A Bill

SENATE BILL 76

5 By: Senator L. Eads
6 By: Representatives Lundstrum, *Christiansen*
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH AN EXCURSION TRAIN PERMIT; TO
10 AUTHORIZE AN EXCURSION TRAIN PERMIT HOLDER TO SELL
11 AND SERVE ALCOHOLIC BEVERAGES; AND FOR OTHER
12 PURPOSES.
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Subtitle

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16 TO ESTABLISH AN EXCURSION TRAIN PERMIT;
17 AND TO AUTHORIZE AN EXCURSION TRAIN
18 PERMIT HOLDER TO SELL AND SERVE ALCOHOLIC
19 BEVERAGES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 3-4-601(a), concerning the various kinds of
25 alcoholic beverage permits, is amended to add an additional subdivision to
26 read as follows:

27 (10) Excursion train permit.
28

29 SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 6, is amended
30 to add an additional section to read as follows:

31 3-4-612. Excursion train permit.

32 (a) As used in this section:

33 (1) "Alcoholic beverage" means spirituous liquor, vinous liquor,
34 small farm wine, light wine, malt liquor, and hard cider; and

35 (2) "Excursion train" means a train made available to the public
36 through ticket sales for scheduled dates and times for operation over a



1 common carrier railroad or railroad authority that operates on a fixed
2 schedule or route with a specific beginning and ending point.

3 (b) An excursion train operator may apply to the Director of the
4 Alcoholic Beverage Control Division for a permit to sell and serve alcoholic
5 beverages on an excursion train operated in this state.

6 (c) An application under this section shall be in writing and verified
7 and shall detail information concerning the applicant for the permit and the
8 premises to be used by the applicant as the director shall require.

9 (d) If the director grants an application for a permit under this
10 section, he or she shall issue the permit in a form prescribed by rule.

11 (e) A permit under this section shall:

12 (1) Contain a description of the excursion train to be used by
13 the excursion train operator; and

14 (2) Permit the applicant to sell and serve alcoholic beverages
15 on the excursion train as authorized under this section.

16 (f) Upon receipt of a permit under this section, an excursion train
17 operator may:

18 (1) Sell and serve alcoholic beverages for on-premises
19 consumption during legal operating hours to a ticketed passenger of legal age
20 or to an individual of legal age attending a chartered event on the excursion
21 train;

22 (2) Store legally purchased alcoholic beverages on the excursion
23 train to sell and serve to customers for on-premises consumption; and

24 (3) Store legally purchased alcoholic beverages at a separate
25 facility as needed to meet the demand of customers.

26 (g) An excursion train operator shall pay an annual permit fee of two
27 hundred dollars (\$200) for an excursion train permit.

28 (h) An excursion train permit holder shall ensure that a copy of the
29 excursion train permit issued under this section is posted in each excursion
30 train operated by the excursion train permit holder where alcoholic beverages
31 are sold and served.

32 (i) An excursion train permit holder is authorized to sell and serve
33 alcoholic beverages only when the excursion train is located in a territory
34 that has authorized the sale of alcoholic beverages.

35 (j) The director shall adopt rules to implement and administer this
36 section.

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SECTION 3. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Alcoholic Beverage Control Division shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2022; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

(b) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rules for approval before January 1, 2022.

/s/L. Eads

APPROVED: 2/4/21