

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1652

By: Representatives Townsend, Wilkins, Brown, Walker,
Lendall, and McGee

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE TITLE 3, CHAPTER 3, TO PROVIDE FOR A VIOLATION OF THE ALCOHOLIC BEVERAGE LAWS OF THE STATE OF ARKANSAS FOR FAILURE OF THE PERMITEE TO OPERATE THE OUTLET IN A PEACEABLE MANNER; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Title 3, Chapter 3, is hereby amended to add an additional subchapter to read as follows:

"3-3-218. (a) It is the specifically declared policy of the General Assembly of the State of Arkansas that all licenses issued to establishments for the sale or dispensing of alcoholic beverages are privilege licenses, and the holder of such privilege license is to be held to a high duty of care in the operation of the licensed establishment.

(b) It is the duty of every holder of an alcoholic beverage permit issued by the State of Arkansas to operate the business wherein alcoholic beverages are sold or dispensed in a manner which is in the public interest, and does not endanger the public health, welfare, or safety. Failure to maintain this duty of care shall be a violation of this act and grounds for administrative sanctions being taken against the holder of such permit or permits.

(c) The standard of review for the director and the Alcoholic Beverage Control Board in matters arising herein shall be whether or not the permitted outlet, as it has been operated, promotes the public convenience and advantage, whether or not the continuation of the outlet would promote the public interest, and whether or not the outlet's business operation endangers the public health, welfare, or safety of the area or community in which it is

located. It is specifically granted to the director and the board the power to review the outlet and its operation as if it were a new application, taking into consideration all factors involved in the review of an application as initially filed before the agency.

(d) The Alcoholic Beverage Control Division and its board are hereby authorized to adopt regulations to implement each and every provision of this act.

(e) The director and the board are empowered by this act to administer the full range of penalties available for other administrative proceedings before it, including but not limited to fines, suspension, cancellation, or revocation of such permits which have been found to endanger the public health, welfare, or safety."

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 Revision Commission shall incorporate the same in the Code.

