

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1479

4 By: Representative D. Wood

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## For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 3, CHAPTER 9, SUBCHAPTERS 2 AND 4  
9 OF THE ARKANSAS CODE ANNOTATED OF 1987 TO PERMIT  
10 RESTAURANTS HOLDING CAFE AND RESTAURANT WINE PERMITS AND  
11 RETAIL BEER PERMITS FOR ON-PREMISES CONSUMPTION TO SELL  
12 ALCOHOLIC BEVERAGES ON SUNDAY IN ADDITION TO HOTELS AND  
13 RESTAURANTS THAT HOLD MIXED-DRINK PERMITS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES."

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## Subtitle

17 "TO PERMIT RESTAURANTS HOLDING WINE AND  
18 BEER PERMITS TO SELL ALCOHOLIC BEVERAGES  
19 ON SUNDAY."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Paragraph (1) of Subsection (a) of Arkansas Code §3-9-215  
24 is hereby amended to read as follows:

25 "(a)(1) The provisions of this section shall be applicable to only  
26 those cities and counties in this state in which the sale of alcoholic  
27 beverages for on-premises consumption in restaurants or hotels has been  
28 approved by a majority of the qualified electors of the city or county voting  
29 on the issue at a referendum election authorized by §3-9-201 et seq. These  
30 provisions shall apply only with respect to the sale of alcoholic beverages  
31 in restaurants or hotels which have a valid and current license or permit to  
32 sell alcoholic beverages for consumption on the premises thereof issued."  
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34 SECTION 2. Subsection (b) of Arkansas Code §3-9-215 is hereby amended  
35 to read as follows:

1           "(b) Any city of the first class or any county in which the sale of  
 2 alcoholic beverages for on-premises consumption in licensed restaurants and  
 3 hotels has been authorized by a majority of the qualified electors of that  
 4 city or county voting on the issue at an election held therefor pursuant to  
 5 the provisions of §3-9-201 et seq., by ordinance adopted by the governing  
 6 body of such city or county, may refer to the voters at an election the issue  
 7 of whether or not to authorize the sale of alcoholic beverages on Sundays  
 8 between the hours of 12:00 noon and 10:00 p.m., or within a lesser period  
 9 within such hours as may be provided in the ordinance. The Sunday sale of  
 10 alcoholic beverages for on-premises consumption as authorized in this section  
 11 shall be limited to those restaurants and hotels which possess a current and  
 12 valid permit or license for the sale of alcoholic beverages for on-premises  
 13 consumption issued under the authority of §3-5-301 et seq., §3-9-201 et seq.,  
 14 and §3-9-301 et seq. The election shall be held in accordance with the  
 15 procedures established by §3-9-201 et seq."

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17           SECTION 3. Arkansas Code §3-9-404 is hereby amended to read as  
 18 follows:

19           "3-9-404. Permit - Requirements.

20           (a) Notwithstanding any other laws of this state which permit the sale  
 21 of alcoholic beverages for on-premises consumption on Sundays, no hotel or  
 22 restaurant that is licensed to sell alcoholic beverages for on-premises  
 23 consumption under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et seq.  
 24 shall be permitted to sell alcoholic beverages for on-premises consumption on  
 25 Sundays until they obtain a permit, approved and issued by the director in  
 26 accordance with rules and regulations promulgated by the board for the sale  
 27 of alcoholic beverages for on-premises consumption on Sundays. However, this  
 28 subchapter is not intended to impose an additional requirement on private  
 29 clubs licensed under §3-9-201 et seq. to obtain a permit for Sunday sales of  
 30 alcoholic beverages for on-premises consumption.

31           (b) No hotel, motel, or restaurant shall obtain a permit to sell  
 32 alcoholic beverages for on-premises consumption on Sundays unless:

33                   (1) It has a valid and current permit, which is not suspended,  
 34 cancelled, or revoked, to sell alcoholic beverages for on-premises  
 35 consumption issued under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et

1 seq.;

2 (2) It is located in a city or county where Sunday sales of  
 3 alcoholic beverages for on-premises consumption has been approved by the  
 4 voters of the city or county as authorized under Arkansas law;

5 (3) It meets all the requirements of being a hotel or a  
 6 restaurant as those items are defined in §3-9-402; and

7 (4) It pays the required fee for a permit as required in this  
 8 section and §3-9-407.

9 (c) However, any hotel or restaurant having been in operation for less  
 10 than ninety (90) days and without prior business experience on which to  
 11 determine the gross sales requirements for hotels and restaurants, as defined  
 12 in §3-9-402, may be issued a temporary Sunday sales permit to sell alcoholic  
 13 beverages for on-premises consumption on Sundays for a period not to exceed  
 14 ninety (90) days. The temporary ninety-day time period is to be used to  
 15 allow the business establishment to make a determination of its gross sales.  
 16 The fee for the temporary Sunday sales permit shall be twenty-five dollars  
 17 (\$25.00)."

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19 SECTION 4. Subsection (d) of Arkansas Code §3-9-407 is hereby amended  
 20 to read as follows:

21 "(d) The fees required in this section are supplemental to the fees  
 22 and taxes levied by §3-5-301 et seq., §3-9-201 et seq., and §3-9-301 et seq.,  
 23 and do not relieve any restaurant or hotel from paying permit or renewal fees  
 24 or supplemental gross receipts taxes levied by the State of Arkansas for  
 25 sales of alcoholic beverages for on-premises consumption made on Sunday."

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27 SECTION 5. Paragraph (2) of Subsection (a) of Arkansas Code §3-9-410  
 28 is hereby amended to read as follows:

29 "(2) If the permit for on-premises consumption of alcoholic beverages  
 30 issued under §3-5-301 et seq., §3-9-201 et seq., or §3-9-301 et seq. is  
 31 suspended, cancelled, or revoked for causes thereunder;"

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33 SECTION 6. Subsection (b) of Arkansas Code §3-9-411 is hereby amended  
 34 to read as follows:

35 "(b) However, nothing in this subchapter shall authorize holders of

1 permits for on-premises consumption of alcoholic beverages on Sundays to sell  
2 or to dispense alcoholic beverages by the package or by the bottle for  
3 consumption off the permitted premises."  
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5 SECTION 7. All provisions of this act of a general and permanent  
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
7 Code Revision Commission shall incorporate the same in the Code.  
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9 SECTION 8. If any provision of this act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 act are declared to be severable.  
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15 SECTION 9. All laws and parts of laws in conflict with this act are  
16 hereby repealed.  
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18 SECTION 10. EMERGENCY. It is hereby found and determined by the  
19 General Assembly that although the sale of alcoholic beverages on Sunday is  
20 permitted in some cities of this State, even in those cities the sale of beer  
21 and wine is not permitted on Sunday; that it is fundamentally unfair to  
22 authorize the Sunday sale of mixed drinks but to prohibit the Sunday sale of  
23 beer and wine; that this act would provide equal protection to the purveyors  
24 of beer and wine; that to give immediate effect to this act will lessen the  
25 possibility of a challenge to the present law allowing the Sunday sale of  
26 mixed drinks, and thereby save the taxpayers the cost involved in defending  
27 the challenge and the cost of an unsuccessful defense; and that, therefore,  
28 this act should go into effect immediately. Therefore, an emergency is  
29 hereby declared to exist and this act being immediately necessary for the  
30 preservation of the public peace, health, and safety shall be in full force  
31 and effect from and after its passage and approval.  
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