

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

A Bill

SENATE BILL 591

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 3 OF THE
9 ARKANSAS CODE TO MAKE TECHNICAL CORRECTIONS INVOLVING THE
10 ADMINISTRATION OF DUTIES AND POWERS OF THE ALCOHOLIC
11 BEVERAGE CONTROL DIVISION; TO INCREASE THE AMOUNT OF TIME
12 AN ABC PERMIT MAY BE OPERATED BY CERTAIN SUCCESSORS IN
13 INTEREST TO A PERMITTEE OF THE ABC DIVISION; AND FOR OTHER
14 PURPOSES."

Subtitle

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17 "AN ACT TO CORRECT AND UPDATE PROVISIONS
18 OF THE ARKANSAS CODE WHICH AFFECT THE
19 OPERATIONS OF THE ABC DIVISION."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code 3-2-213(a)(2) is amended to read as follows:

24 "(2) The notice of appeal of a director_s decision or order shall be
25 in a written form which shall be mailed or delivered to the offices of the
26 Alcoholic Beverage Control Division."
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28 SECTION 2. Arkansas Code 3-2-213(a)(3) is amended to read as follows:

29 "(3) The notice of appeal must be mailed or delivered to the offices
30 of the Alcoholic Beverage Control Division within fifteen (15) days after the
31 order to be appealed from was received by the recipient, as shown by the
32 certified mail return receipt card returned to the Alcoholic Beverage Control
33 Division. In the event the person filing an appeal of the director_s
34 decision or order was not sent a certified letter of the same, then the
35 fifteen (15) day appeal period begins on the date the director_s decision or

1 order was issued."

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3 SECTION 3. Arkansas Code 3-2-213(a)(4) is amended to read as follows:

4 "(4) Whenever any notice of appeal is filed with the Alcoholic
5 Beverage Control Division, the Director of the Alcoholic Beverage Control
6 Divison shall forthwith notify the Board of that fact."

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8 SECTION 4. Arkansas Code 3-2-213(b)(2) is amended to read as follows:

9 "(2) Not later than ten (10) days before the time fixed for the
10 hearing, the director shall notify the Board and the applicant, licensee, or
11 protester of the time when and the place where the appeal shall be heard by
12 the Board."

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14 SECTION 5. Arkansas Code 3-2-213(c)(2) is amended to read as follows:

15 "(2) A copy of the opinion, decision, or order shall be mailed by the
16 Alcoholic Beverage Control Division by certified mail to the applicant,
17 licensee, or protester."

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19 SECTION 6. Arkansas Code 3-2-216 is amended to read as follows:

20 "§ 3-2-216. Appeal to courts.

21 (a) An appeal of the decision of the board may be filed in conformance
22 with the provisions of the Arkansas Administrative Procedure Act."

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24 SECTION 7. Arkansas Code 3-4-103(a) is amended to read as follows:

25 "(a) If a corporation or copartnership holding a permit under this act
26 shall be dissolved, or if a receiver or assignee for the benefit of creditors
27 is appointed therefor, or if a receiver or assignee for the benefit of
28 creditors or a committee of the property of an individual holding a permit is
29 appointed during the time for which the permit was granted, or if a person
30 holding a permit dies during the term for which the permit was given, then
31 the corporation, copartnership, receiver, or assignee, or the administrator
32 or executor of the estate of the individual, or a committee of the property
33 of a person adjudged to be incompetent may continue to carry on the business
34 upon the premises for a period not to exceed twenty-four (24) months from
35 such date of dissolution or appointment or death. Said successors in

1 interest shall be allowed to renew the permit as if the original permittee
2 were still in place and the said successor in interest may operate the said
3 business with the same right and subject to the same restrictions and
4 liabilities as if he had been the original applicant for and the original
5 holder of the permit, provided the approval of the Director of the Alcoholic
6 Beverage Control Division shall be first obtained."

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8 SECTION 8. Arkansas Code 3-4-207 is amended to read as follows:

9 § 3-4-207. Ineligible persons.

10 No person hereafter described in this section shall receive a permit:

11 (1) A person who has been convicted of a felony;

12 (2) A person under the age of twenty-one (21) years;

13 (3) A person who is not a citizen or resident alien of the United
14 States;

15 (4) A copartnership, unless all members of such copartnership are
16 citizens or resident aliens of the United States;

17 (5) A person who shall have had his permit issued under this act
18 revoked for cause, or who has been convicted of a violation of this act until
19 the expiration of two (2) years from the date of such revocation or
20 conviction;

21 (6) A corporation or copartnership, if any of its officers or members
22 have been convicted of a violation of this act or have had a permit issued
23 under this act revoked for cause until two (2) years from the date of the
24 conviction or revocation."

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26 SECTION 9. Arkansas Code 3-4-215 is hereby repealed.

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28 SECTION 10. Arkansas 3-5-304(c)(1) is amended to read as follows:

29 "(c)(1) Upon receipt by the Director of the Alcoholic Beverage Control
30 Division of an application for a permit, written notice thereof, which shall
31 include a copy of the application, shall immediately be mailed by the
32 director to the sheriff, chief of police (if located within a city), and
33 prosecuting attorney of the locality in which the premises are situated , and
34 to the city board of directors or other governing body of the city in which
35 the premises are situated, if within an incorporated area."

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SECTION 11. Arkansas Code 3-4-210(c)(1) is amended to read as follows:

"(c)(1) Upon receipt by the Director of the Alcoholic Beverage Control Division of an application for a permit, written notice thereof which shall include a copy of the application shall immediately be mailed by the director to the sheriff, chief of police (if located within a city), and prosecuting attorney of the locality in which the premises are situated, and to the city board of directors or other governing body of the city in which the premises are situated, if within an incorporated area."

SECTION 12. 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.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 14. All laws and parts of laws in conflict with this act are hereby repealed.

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