

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
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2005

4
5 By: Representative Vess
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE A PROCEDURE TO LICENSE BED AND
10 BREAKFAST INNS TO SERVE WINE AND BEER TO THEIR LODGING
11 GUESTS ONLY. "

Subtitle

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14 "TO PROVIDE A PROCEDURE TO LICENSE BED
15 AND BREAKFAST INNS TO SERVE WINE AND
16 BEER TO THEIR LODGING GUESTS ONLY. "

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 3-9-202 is amended by adding a new subsection
22 at the end thereof to read as follows:

23 "(13) 'Bed and breakfast private club' means a corporation,
24 partnership, individual or limited liability corporation whose primary
25 function is to provide overnight accommodations to the public, not exceeding a
26 total of twenty (20) guest rooms on the premises, whether operated by the
27 business owner or not, where the owner or a person representing the owner
28 lives on premises, where a breakfast meal is served to the lodging guest and
29 no restaurant on premises is open to the public except for the lodging guest."
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31 SECTION 2. Arkansas Code 3-9-221 is amended by adding a new subsection
32 at the end thereof to read as follows:

33 "(c) In order to clarify the alcoholic beverage control laws of this
34 state and to regulate and prohibit the sale of alcoholic beverages in
35 violation of the provisions of this subchapter and other applicable alcoholic
36 beverage control laws of this state, the General Assembly determines that the

1 preparation, mixing and serving of wine and beer for consumption only on the
 2 premises of a bed and breakfast private club as defined in § 3-9-202(13) by
 3 the lodging guests thereof, and the making of a charge for such services,
 4 shall not be deemed to be a sale or be in violation of any law of this state
 5 prohibiting the manufacture, sale, barter, loan or giving away of intoxicating
 6 liquor whenever:

7 (1) The wine and beer so consumed have been furnished or drawn
 8 from private stocks belonging to an owner of the bed and breakfast private
 9 club and are replenished only at the expense of such owner; and

10 (2) The average annual volume of wine and beer consumed shall not
 11 exceed three (3) gallons per month, per guest room; and

12 (3) The wine and beer consumed must be purchased in an Arkansas
 13 licensed retail alcoholic beverage store, as authorized by the director; and

14 (4) The bed and breakfast private club has acquired a permit from
 15 the Alcoholic Beverage Control Board in such form as the board may
 16 appropriately determine."

17
 18 SECTION 3. Arkansas Code 3-9-222(a), (b), and (c) are amended to read
 19 as follow:

20 "(a) Application for a permit to operate as a private club may be made
 21 to the Director of the Alcoholic Beverage Control Division in accordance with
 22 the rules and regulations of the board.

23 (b) (1) The application for a private club shall be accompanied by an
 24 annual permit fee of five hundred dollars (\$500).

25 (2) The application for a bed and breakfast private club shall be
 26 accompanied by an annual permit fee of seventy-five dollars (\$75.00).

27 (c)(1) After filing an acceptable application with the director, the
 28 applicant shall cause to be published at least once a week for two (2)
 29 consecutive weeks in a legal newspaper of general circulation in the city in
 30 which the premises are situated or, if the premises are not in a city, in a
 31 newspaper of general circulation for the locality where the business is to be
 32 conducted, a notice that the applicant has applied for a permit to dispense
 33 alcoholic beverages on the premises.

34 (2) The notice shall be in such form as the Director of the
 35 Alcoholic Beverage Control Division shall prescribe by rule, regulation, or
 36 order, and shall be verified.

1 (3) The notice shall give the names of the managing agent and the
 2 nonprofit corporation or, in the case of a bed and breakfast private club, the
 3 name of the business owner, and shall state:

4 (A) That the manager, or in the case of a bed and breakfast
 5 private club, the owner, at least one (1) partner, or the majority stockholder
 6 is a citizen of Arkansas;

7 (B) That he has a good moral character;

8 (C) That he has never been convicted of a felony or had a
 9 license to sell or dispense alcoholic beverages revoked within the five (5)
 10 years preceding the date of the notice; and

11 (D) That he has never been convicted of violating laws of
 12 this state or any other state governing the sale or dispensing of alcoholic
 13 beverages.”

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 15 SECTION 4. Arkansas Code 3-9-223 is amended by adding a new subsection
 16 at the end thereof to read as follows:

17 “(g) Holders of a bed and breakfast private club permit are exempt from
 18 the supplemental taxes in § 3-9-223(b) and § 3-9-223(f).”

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 20 SECTION 5. All provisions of this act of a general and permanent nature
 21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 22 Revision Commission shall incorporate the same in the Code.

23
 24 SECTION 6. If any provision of this act or the application thereof to
 25 any person or circumstance is held invalid, such invalidity shall not affect
 26 other provisions or applications of the act which can be given effect without
 27 the invalid provision or application, and to this end the provisions of this
 28 act are declared to be severable.

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 30 SECTION 7. All laws and parts of laws in conflict with this act are
 31 hereby repealed.