

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

SENATE BILL 321

4  
5 By: Senator Dowd  
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## For An Act To Be Entitled

8  
9 "AN ACT TO CONTROL AND STRENGTHEN THE LOCAL  
10 ENFORCEMENT OF OPERATING HOURS OF ESTABLISHMENTS  
11 LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION;  
12 AND FOR OTHER PURPOSES."  
13

## Subtitle

14  
15 "AN ACT TO CONTROL AND STRENGTHEN THE  
16 LOCAL ENFORCEMENT OF OPERATING HOURS OF  
17 ESTABLISHMENTS LICENSED BY THE ALCOHOLIC  
18 BEVERAGE CONTROL 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. Title 3, Chapter 4, Subchapter 4 of the Arkansas Code is  
24 amended by adding the following section to be appropriately number by the  
25 Arkansas Code Revision Commission:

### "Violation of Local Closing Hours Laws.

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27 (a) The Arkansas General Assembly, by legislation, and the Alcoholic  
28 Beverage Control Division, by regulations, have created general closing hours  
29 for establishments which sell or dispense alcoholic beverages. However, the  
30 Arkansas General Assembly and the Alcoholic Beverage Control Division have  
31 also given the power to local city governments or local county quorum courts  
32 to adopt hours of operation which are more restrictive than the general hours  
33 of operation stated for certain permits issued by the Alcoholic Beverage  
34 Control Division. It is recognized that it is more convenient for local  
35 authorities to change local ordinances on a basis that can be more frequent  
36 than the basis with which the Legislature meets or the Alcoholic Beverage



1 Control Division adopts regulations. For that reason, local control of these  
2 issues, as allowed by code sections and regulations, is desirable. It is  
3 also recognized that when a city or county adopts a more restrictive law in  
4 this area it is unnecessary and burdensome for the city or county to notify  
5 the Alcoholic Beverage Control Division each time that a modification is made  
6 to local laws, and for this reason enforcement of more restrictive ordinances  
7 should be by local law enforcement personnel which are attached to the  
8 jurisdiction which creates the more restrictive hours of operations law.

9 (b) It is hereby provided that when any permittee of the Alcoholic  
10 Beverage Control Division is cited with a violation of any local closing hour  
11 ordinance adopted by a city government or county government, that violation  
12 of ordinance, which is more restrictive than provided for by the state, shall  
13 be punishable by a fine of one hundred dollars (\$100) to five hundred dollars  
14 (\$500) and that violation shall not be considered to be an administrative  
15 violation against the permit issued by the Alcoholic Beverage Control  
16 Division.

17 (c) Enforcement of the more restrictive local ordinances and the  
18 issuance of citations for violations thereof shall be by local law  
19 enforcement officers within the jurisdiction where such ordinance is in  
20 effect. Such citations shall only be heard in a local court of competent  
21 jurisdiction."

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23 SECTION 2. All provisions of this act of a general and permanent  
24 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
25 Code Revision Commission shall incorporate the same in the Code.

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27 SECTION 3. If any provision of this act or the application thereof to  
28 any person or circumstance is held invalid, such invalidity shall not affect  
29 other provisions or applications of the act which can be given effect without  
30 the invalid provision or application, and to this end the provisions of this  
31 act are declared to be severable.

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33 SECTION 4. All laws and parts of laws in conflict with this act are  
34 hereby repealed.

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