

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

A Bill

SENATE BILL 445

4
5 By: Senator Dowd
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE THAT
10 AFTER DENIAL OF AN APPLICATION FOR AN ALCOHOLIC
11 BEVERAGE CONTROL PERMIT, NO APPLICATION WILL BE
12 ACCEPTED FROM THAT SAME APPLICANT OR REAL PARTY IN
13 INTEREST UNTIL THE EXPIRATION OF ONE YEAR; AND FOR
14 OTHER PURPOSES. "

Subtitle

15
16
17 "PROVIDE THAT AFTER DENIAL OF AN
18 APPLICATION FOR AN ALCOHOLIC BEVERAGE
19 CONTROL PERMIT, NO APPLICATION WILL BE
20 ACCEPTED FOR THAT LOCATION FROM THE SAME
21 APPLICANT OR REAL PARTY IN INTEREST
22 UNTIL THE EXPIRATION OF ONE YEAR. "

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 3-4-222(a) is amended to read as follows:

28 "(a) Whenever any application for any type of alcoholic beverage
29 control permit, with the exception of a private club permit being sought in an
30 area in which the sale of alcoholic beverages is not allowed, shall be denied,
31 no application for a permit shall be accepted from that same applicant or real
32 party in interest for a period of ~~five (5) years~~ one (1) year following the
33 date on which such application is finally acted upon by the Director ~~director~~,
34 or by the Alcoholic Beverage Control Board ~~board~~ on appeal, or by the
35 appellate court system, unless the applicant or real party in interest can
36 show a substantial change in the underlying facts which supported the decision

1 to deny the application. Provided, that this subchapter shall not apply if the
2 application was denied solely because of disapproval of the location of the
3 premises and a new application is for a premises other than those described in
4 the original application. 'Same applicant' or 'same real party in interest' as
5 used in this subsection, shall be broadly interpreted by the Director or the
6 Board to be the real party (or parties) in interest in the original
7 application, notwithstanding the fact that the subsequent application may be
8 made in the name of a family member, business associate, or new business
9 entity."

10
11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

14
15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

20
21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36