

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

A Bill

SENATE BILL 570

4
5 By: Senator Bearden
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For An Act To Be Entitled

8
9 "AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL
10 DIVISION TO ISSUE LICENSES FOR THE SALE OF WINE FOR
11 ON-PREMISES CONSUMPTION; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO AUTHORIZE THE ALCOHOLIC
15 BEVERAGE CONTROL DIVISION TO ISSUE
16 LICENSES FOR THE SALE OF WINE FOR ON-
17 PREMISES CONSUMPTION."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Definitions.

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23 As used in this act:

24 (1) "Director" means the Director of the Alcoholic Beverage Control
25 Division;

26 (2) "License" means a license to sell wine for consumption on the
27 premises. An annual fee of three hundred dollars (\$300) shall be paid for each
28 license or renewal thereof. All moneys derived from such fees shall be
29 deposited in the State Treasury as general revenues to the credit of the State
30 Apportionment Fund;

31 (3) "Person" means any person, firm, partnership, association, or
32 corporation; and

33 (4) "Wine" or "wines" means any port wine, sherry wine, vermouth wine,
34 or other wines, the alcoholic content of which does not exceed fourteen
35 percent (14%) by weight, regardless of whether the wines are manufactured
36 within or without the State of Arkansas.

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2 SECTION 2. Penalties.

3 If any facility licensed under this act to sell wines for consumption on
4 the premises shall violate any of the provisions of this act or any of the
5 provisions of other laws of this state regarding the sales of wine at retail,
6 the owner or operator of the facility shall be guilty of a misdemeanor. Upon
7 conviction, the owner or operator shall be fined in the sum of not less than
8 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
9 imprisoned in the county jail not less than ten (10) days nor more than thirty
10 (30) days, or be both so fined and imprisoned.

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12 SECTION 3. Sale by licensed facility authorized - Restrictions.

13 (a) It shall be lawful for any facility in this state to sell wines for
14 consumption on the premises upon obtaining a license, and paying the fee
15 therefor, from the director as provided in this act.

16 (b) However, it shall be unlawful for the director to issue any license
17 to a facility for sales of wine for consumption on the premises in any city,
18 county, township, or other area in this state wherein the sale and possession
19 of wines is unlawful.

20 (c) All licenses shall be renewed annually in the manner provided by
21 law.

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23 SECTION 4. License applications - Qualifications.

24 (a) No license shall be issued to any person authorizing the sale of
25 wine at retail for consumption on the premises unless the person shall file
26 with the Director of the Alcoholic Beverage Control Division a verified
27 application therefor, accompanied by the fee required by law, and shall state
28 in the application that he possesses the following qualifications:

29 (1) The applicant is a person of good moral character, a citizen
30 or resident alien of the United States, and a resident of the county in which
31 the permit will be operated, or resides within thirty-five (35) miles of the
32 address of the premises described in the application;

33 (2) The applicant must be a resident of the State of Arkansas on
34 the date of the application and maintain such residency within the state as a
35 continuing qualification to hold the permit issued by the director;

36 (3) The applicant has never been convicted of a felony or has not

1 been convicted within five (5) years of the date of his application of any
 2 violation of the laws of this state or any other state relating to alcoholic
 3 beverages;

4 (4) The applicant has not had revoked within five (5) years next
 5 preceding his application any license issued to him pursuant to the laws of
 6 this state or any other state to sell alcoholic liquor of any kind;

7 (5) The applicant must be the owner of the premises for which the
 8 license is sought or the holder of an existing lease, buy-sell agreement,
 9 offer and acceptance, or option to lease thereon;

10 (6) If the applicant is a copartner, all members of the
 11 copartnership must be qualified to obtain a license; and

12 (7)(A) If the applicant is a corporation, all officers and
 13 directors thereof, any stockholder owning more than five percent (5%) of the
 14 stock of such corporation, and the person or persons who shall conduct and
 15 manage the licensed premises for the corporation shall possess all the
 16 qualifications required herein for an individual license.

17 (B) The requirement as to residence shall not apply to
 18 officers, directors, and stockholders of the corporation, but the requirement
 19 shall apply to any officer, director, or stockholder who is also the manager
 20 of the licensed premises, in any capacity, in the conduct or operation of the
 21 licensed premises.

22 (b) Any misstatement or concealment of fact in the application shall be
 23 grounds for the revocation of any license issued pursuant to the application.

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 25 SECTION 5. Prohibited acts.

26 No holder of a license authorizing the sale of wine for consumption on
 27 the premises where sold, nor any servant, agent, or employee of the licensee,
 28 shall do any of the following upon the licensed premises:

29 (1) Knowingly sell wine to a minor;

30 (2) Knowingly sell wine to any person while the person is in an
 31 intoxicated condition;

32 (3) Sell wine upon the licensed premises or permit wine to be consumed
 33 thereon on any day or at any time when the sale or consumption is prohibited
 34 by law;

35 (4) Permit on the licensed premises any disorderly conduct, breach of
 36 peace, or any lewd, immoral, or improper entertainment, conduct, or practices.

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SECTION 6. Revocation or suspension of license.

Proceedings for the revocation or suspension of any license issued pursuant to the provisions of this act shall be in the same manner as provided by law for revocation or suspension of licenses for sale of beer for consumption on the premises.

SECTION 7. 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 8. 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 9. All laws and parts of laws in conflict with this act are hereby repealed.