

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2013

5 By: Representative Mathis
6 By: Senator T. Smith
7

For An Act To Be Entitled

10 AN ACT CONCERNING THE DELIVERY OF CONTROLLED
11 BEVERAGES BY A RETAILER TO PRIVATE CLUBS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 AN ACT CONCERNING THE DELIVERY OF
15 CONTROLLED BEVERAGES BY A RETAILER TO
16 PRIVATE CLUBS.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 3-4-405 is amended to read as follows:
23 3-4-405. Class C violations.

24 (a) The following acts on the part of any permittee are Class C permit
25 violations:

- 26 (1) Sale of controlled beverages when the permit is not posted;
- 27 (2) Failure to maintain health, safety, and sanitary standards;
- 28 (3) Removing or obliterating a container label or mark;
- 29 (4) Consuming a controlled beverage while on duty;
- 30 (5) Failure to surrender a permit when the business has been
31 voluntarily inoperative for over thirty (30) days;
- 32 (6) Storing controlled beverages in unauthorized warehouses,
33 with each day constituting a separate offense after notice;
- 34 (7) Failure to make proper application and obtain approval for
35 acting as a sales agent for a manufacturer, wholesaler, or rectifier unless
36 duly authorized by the director;



- 1 (8) Use of an unlabeled dispensing faucet;
- 2 (9) Failure of a retailer to keep and maintain records;
- 3 (10) Unauthorized sale of broken packages and merchandise;
- 4 (11) Negligently allowing prostitutes to frequent the premises;
- 5 (12) Allowing immoral conduct on the premises;
- 6 (13) Disposing of or receiving samples by a retailer;
- 7 (14) Negligently selling to users of narcotics;
- 8 ~~(15) Delivery of controlled beverages by a retailer away from~~
- 9 ~~his permitted premises;~~
- 10 ~~(16)~~(15) Sale of controlled beverages in a container or of a
- 11 size other than that approved;
- 12 ~~(17)~~(16) Misrepresentation of a brand, or keeping beverages in
- 13 an unauthorized container, or refilling, diluting, or failing to destroy
- 14 empty bottles;
- 15 ~~(18)~~(17) Failure to maintain membership books or properly
- 16 maintain guestbooks by a private club;
- 17 ~~(19)~~(18) Allowing an unauthorized guest in a private club;
- 18 ~~(20)~~(19) Dispensing to nonmembers or nonguests by a private
- 19 club;
- 20 ~~(21)~~(20) Unauthorized purchasing by a private club from other
- 21 than a retailer;
- 22 ~~(22)~~(21) Failure of a private club to maintain financial
- 23 records;
- 24 ~~(23)~~(22) Failure by a private club to furnish the name and
- 25 address of the authorized public accountant and bookkeeper;
- 26 ~~(24)~~(23) Unauthorized advertising by a private club;
- 27 ~~(25)~~(24) Unauthorized transportation of alcoholic beverages
- 28 through a dry area without a permit; and
- 29 ~~(26)~~(25) Failure to keep and maintain records or make a report.

30 (b) Any other act that is determined at an appropriate hearing by the
 31 director to be a violation will be considered a Class C permit violation and
 32 may be fined accordingly.

33
 34 SECTION 2. Arkansas Code § 3-4-604 is amended to add an additional
 35 subsection to read as follows:

36 (h)(1) A person issued a permit to sell and dispense spirituous or

1 vinous liquors at retail under this section may apply for an additional
2 permit for the privilege of delivering alcoholic beverages to private clubs
3 operating pursuant to § 3-9-222, subject to the conditions of subdivision
4 (h)(2) of this section.

5 (2)(A) A permit issued under this subsection shall allow a
6 retailer to deliver alcoholic beverages to private clubs located within ten
7 (10) miles of the retailer.

8 (B) Deliveries permitted under this subsection shall be
9 five hundred dollars (\$500) or more.

10 (3) Upon approval of an application to deliver alcoholic
11 beverages to private clubs, the retailer shall pay an additional permit fee
12 in the sum of five hundred dollars (\$500) per annum payable on or before June
13 30 of each calendar year for the fiscal year beginning July 1.

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