

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 2791

5 By: Representative Clemons
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For An Act To Be Entitled

9 AN ACT CONCERNING QUALIFICATIONS OF SERVERS OF
10 ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING QUALIFICATIONS OF
13 SERVERS OF ALCOHOLIC BEVERAGES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 3-9-210 is amended to read as follows:
20 3-9-210. Permit to sell beverages - Issuance.

21 (a)(1) Any hotel or restaurant as defined in § 3-9-202 desiring to
22 sell alcoholic beverages for on-premises consumption shall make application
23 to the director for a permit upon forms prescribed and furnished by the
24 director and in accordance with the rules and regulations of the board.

25 (2)(A) If the hotel or restaurant is owned by a partnership,
26 whether regular or limited, a non-partner manager or operator may be issued
27 the permit provided that he meets the other qualifications required by this
28 section.

29 (B) The failure of one (1) or more partners to be
30 residents of this state shall not be grounds for denial of the permit.

31 (b) No applicant shall be authorized to make any such sales until a
32 permit is approved and issued by the director.

33 (c) The board shall have authority to require an applicant, under
34 oath, to disclose the following information:

35 (1) The name of the applicant;

36 (2) Location of the hotel or restaurant;



1 (3) Sufficient data to establish that the applicant meets the
2 requirements of § 3-9-202;

3 (4) The names and addresses of all owners of the hotel or
4 restaurant;

5 (5) That the applicant is a citizen or resident alien of the
6 United States and a resident of Arkansas on the date of application, and if a
7 corporation, duly qualified to do business in this state;

8 (6) That neither the applicant nor any person to be employed in
9 the serving of beverages authorized herein shall be a person who has been
10 convicted within five (5) years of the date of their employment of any
11 violation of the laws against possession, sale, manufacture, or
12 transportation of intoxicating liquor, or convicted of a Class Y felony;

13 (7) That the manager or operator of the hotel or restaurant
14 seeking the permit is of good moral character and not a convicted felon; and

15 (8) Such other relevant information as may be required.

16 (d) Every permit issued under this subchapter shall be for an
17 indeterminate period, subject to compliance with the annual renewal
18 requirements herein prescribed and shall not be transferable or assignable,
19 as to owner or premises, except upon the written approval of the director.
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21 SECTION 2. Arkansas Code § 3-9-405 is amended to read as follows:

22 3-9-405. Permit - Application.

23 (a) Any hotel or restaurant as defined in § 3-9-402 desiring to sell
24 alcoholic beverages for on-premises consumption on Sundays shall make
25 application to the director for a permit upon the forms prescribed and
26 furnished by the director and in accordance with the rules and regulations of
27 the board. The board shall have authority to require an applicant, under
28 oath, to disclose the following information:

29 (1) The name of the applicant;

30 (2) The location of the hotel or restaurant;

31 (3) Sufficient data to establish that the applicant meets the
32 requirements of §§ 3-9-402 and 3-9-404;

33 (4) The names and addresses of all owners of the hotel or
34 restaurant;

35 (5) That the applicant is a citizen or resident alien of the
36 United States and a resident of Arkansas on the date of application, and if a

1 corporation, duly qualified to do business in this state;

2 (6) That neither the applicant nor any person to be employed in
3 the serving of beverages authorized herein shall be a person who has been
4 convicted within five (5) years of the date of his employment of any
5 violation of the laws against possession, sale, manufacture, or
6 transportation of intoxicating liquor, or convicted of a Class Y felony;

7 (7) That the manager or operator of the hotel or restaurant
8 seeking the permit is of good moral character and not a convicted felon; and

9 (8) Such other relevant information as may be required.

10 (b) Every permit issued under this subchapter shall be for an
11 indeterminate period, subject to compliance with the annual renewal
12 requirements prescribed in this subchapter, and shall not be transferable or
13 assignable, as to owner or premises, except upon the written approval of the
14 director.

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16 SECTION 3. Arkansas Code § 3-9-504 is amended to read as follows:

17 3-9-504. Permit - Application.

18 (a) Any hotel or restaurant desiring to sell beer and wine only for
19 on-premises consumption shall make application to the director for a permit
20 upon forms prescribed and furnished by the director in accordance with the
21 rules and regulations of the board.

22 (b) No applicant shall be authorized to make any such sales until a
23 permit is approved and issued by the director.

24 (c) The board shall have authority to require an applicant, under
25 oath, to disclose the following information:

26 (1) The name of the applicant;

27 (2) The location of the hotel or restaurant;

28 (3) Sufficient data to establish that the applicant meets the
29 requirements of § 3-9-402;

30 (4) The names and addresses of all owners of the hotel or
31 restaurant;

32 (5) That the applicant is a citizen or resident alien of the
33 United States and a resident of Arkansas on the date of application, and, if
34 a corporation, qualified to do business in this state;

35 (6) That neither the applicant nor any person to be employed in
36 the serving of the beverages authorized herein shall be a person who has been

1 convicted within five (5) years of the date of his employment of any
2 violations of the laws against possession, sale, manufacture, or
3 transportation of intoxicating liquor, or convicted of a Class Y felony;

4 (7) That the manager or operator of the hotel or restaurant
5 seeking the permit is of good moral character, and is not a convicted felon;
6 and

7 (8) Other such relevant information as may be required.

8 (d) Every permit issued under this subchapter shall be for an
9 indeterminate period, subject to compliance with the annual renewal
10 requirements herein prescribed and shall not be transferable or assignable as
11 to owner or premises, except upon the written approval of the director.

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