

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

A Bill

SENATE BILL 207

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

8
9 AN ACT TO REQUIRE PRIVATE CLUB PERMIT APPLICANTS
10 TO OBTAIN THE APPROVAL OF THE CITY OR COUNTY
11 GOVERNING BODY; AND FOR OTHER PURPOSES.
12

Subtitle

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14 AN ACT TO REQUIRE PRIVATE CLUB PERMIT
15 APPLICANTS TO OBTAIN THE APPROVAL OF THE
16 CITY OR COUNTY GOVERNING BODY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 3-9-222 is amended to read as follows:

22 3-9-222. Private clubs - Procedure for obtaining permit.

23 (a) Application for a permit to operate as a private club may be made
24 to the Director of the Alcoholic Beverage Control Division in accordance with
25 the rules and regulations of the Alcoholic Beverage Control Board.

26 (b)(1) The application for a private club shall be accompanied by an
27 annual permit fee of five hundred dollars (\$500).

28 (2) The application for a bed and breakfast private club shall
29 be accompanied by an annual permit fee of seventy-five dollars (\$75.00).

30 (c)(1) After filing an acceptable application with the director and
31 complying with subsection (g) of this section, the applicant shall cause to
32 be published at least once a week for two (2) consecutive weeks in a legal
33 newspaper of general circulation in the city in which the premises are
34 situated or, if the premises are not in a city, in a newspaper of general
35 circulation for the locality where the business is to be conducted, a notice
36 that the applicant has applied for a permit to dispense alcoholic beverages



1 on the premises.

2 (2) The notice shall be in such form as the director shall
3 prescribe by rule, regulation, or order and shall be verified.

4 (3) The notice shall give the names of the managing agent and
5 the nonprofit corporation or, in the case of a bed and breakfast private
6 club, the name of the business owner, and shall state:

7 (A) That the manager, or in the case of a bed and
8 breakfast private club, the owner, at least one (1) partner, or the majority
9 stockholder is a citizen of Arkansas;

10 (B) That he has a good moral character;

11 (C) That he has never been convicted of a felony or had a
12 license to sell or dispense alcoholic beverages revoked within the five (5)
13 years preceding the date of the notice; and

14 (D) That he has never been convicted of violating the laws
15 of this state or of any other state governing the selling or dispensing of
16 alcoholic beverages.

17 (d)(1) Within five (5) days after filing an application for a permit
18 to dispense alcoholic beverages on the premises that complies with subsection
19 (g) of this section, a notice of the application shall be posted in a
20 conspicuous place at the entrance to the premises.

21 (2) The applicant shall notify the Director of the Alcoholic
22 Beverage Control Division of the date when the notice is first posted.

23 (3) No permit shall be issued to any applicant until proper
24 notice has been so posted on the premises for at least thirty (30)
25 consecutive days.

26 (4) The notice shall be in such form as the Director of the
27 Alcoholic Beverage Control Division shall prescribe by rule, regulation, or
28 order.

29 (e)(1) Upon receipt by the Director of the Alcoholic Beverage Control
30 Division of an application for a permit that complies with subsection (g) of
31 this section, written notice thereof, which shall include a copy of the
32 application, shall immediately be mailed by the director to the sheriff,
33 chief of police, if located within a city, prosecuting attorney of the
34 locality in which the premises are situated, and city board of directors or
35 other governing body of the city in which the premises are situated if within
36 an incorporated area. The provisions of this section shall be retroactive to

1 July 28, 1995.

2 (2) No license shall be issued by the director until at least
3 thirty (30) days have passed from the mailing by the director of the notices
4 required by this section.

5 (3) Upon receipt by the Director of the Alcoholic Beverage
6 Control Division within the thirty (30) days of a protest against the
7 issuance of a permit by a governing official of the city or county to whom
8 the notice of an application for permit has been mailed, the director shall
9 not issue the license until he has held a public hearing.

10 (f) Upon the director's determining that the applicant is qualified
11 hereunder and that the application is in the public interest, a permit may be
12 issued as authorized in this section.

13 (g)(1) An applicant for a permit under this section must submit with
14 the application:

15 (A) A resolution from the city governing body authorizing
16 the applicant to apply for a permit if the premises for which the permit is
17 to be issued are within the city limits; or

18 (B) A resolution from the county quorum court authorizing
19 the applicant to apply for a permit if the premises for which the permit is
20 to be issued are outside of any city but within the county.

21 (2) The director shall not consider any application under this
22 section which does not meet the requirements of subdivision (g)(1) of this
23 section.

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