

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 126

101ST GENERAL ASSEMBLY

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ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof eleven new sections relating to extended hours for the sale of intoxicating liquor, with existing penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 311.089, 311.096, 311.174, 311.176,  
2 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and  
3 311.710, RSMo, are repealed and eleven new sections enacted in  
4 lieu thereof, to be known as sections 311.089, 311.096, 311.174,  
5 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482,  
6 and 311.710, to read as follows:

311.089. Any establishment possessing or qualifying  
2 for a license to sell intoxicating liquor by the drink at  
3 retail in any city not within a county, any home rule city  
4 with more than four hundred thousand inhabitants and located  
5 in more than one county and if such establishment is also  
6 located in a resort area, convention trade area, or  
7 enterprise zone area, the establishment may apply for a  
8 Sunday by-the-drink license between the hours of [9:00] **6:00**  
9 a.m. [and midnight] on [Sunday] **Sundays and 1:30 a.m. on**  
10 **Mondays**. The license fee for such Sunday by-the-drink  
11 license shall be six hundred dollars per year. The license

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 fee shall be prorated for the period of the license based on  
13 the cost of the annual license for the establishment.

311.096. 1. As used in this section, the term "common  
2 eating and drinking area" means an area or areas within a  
3 building or group of buildings designated for the eating of  
4 food and drinking of liquor sold at retail by establishments  
5 which do not provide areas within their premises for the  
6 consumption of food and liquor; where the costs of  
7 maintaining such area or areas are shared by the payment of  
8 common area maintenance charges, as provided in the  
9 respective leases permitting the use of such areas, or  
10 otherwise; and where the annual gross income from the sale  
11 of prepared meals or food consumed in such common eating and  
12 drinking area is, or is projected to be, at least two  
13 hundred seventy-five thousand dollars.

14 2. Notwithstanding any other provisions of this  
15 chapter to the contrary, any person who possesses the  
16 qualifications required by this chapter, or who now or  
17 hereafter meets the requirements of and complies with the  
18 provisions of this chapter, may apply for, and the  
19 supervisor of [liquor] **alcohol and tobacco** control may  
20 issue, a license to sell intoxicating liquor, as defined in  
21 this chapter, by the drink at retail not for consumption on  
22 the premises where sold but for consumption in a common  
23 eating and drinking area, as described in the application  
24 for such license. In addition to all other fees required by  
25 law, each establishment in a common eating and drinking area  
26 licensed under this subsection shall pay to the director of  
27 revenue the sum of three hundred dollars per year. The  
28 times for selling intoxicating liquor as fixed in section  
29 311.290, the authority for the collection of fees by  
30 counties and cities as provided in section 311.220, and all

31 other laws and regulations of this state relating to the  
32 sale of intoxicating liquor by the drink shall apply to each  
33 establishment licensed under this subsection in the same  
34 manner as they apply to establishments licensed under  
35 sections 311.085 and 311.090.

36 3. Notwithstanding any other provisions of this  
37 chapter to the contrary, any person who possesses the  
38 qualifications required by this chapter, and who now or  
39 hereafter meets the requirements of and complies with the  
40 provisions of this chapter, may apply for, and the  
41 supervisor of [liquor] **alcohol and tobacco** control may  
42 issue, a license to sell intoxicating liquor, as defined in  
43 this chapter, between the hours of [11:00] **6:00** a.m. on  
44 [Sunday] **Sundays** and [12:00 midnight] **1:30 a.m.** on [Sunday]  
45 **Mondays** by the drink at retail not for consumption on the  
46 premises where sold but for consumption in a common eating  
47 and drinking area, as described in the application for such  
48 license. In addition to all other fees required by law,  
49 each establishment in a common eating and drinking area  
50 licensed under this subsection shall pay an additional fee  
51 of two hundred dollars a year payable at the same time and  
52 in the same manner as its other license fees.

53 4. Any person possessing the qualifications and  
54 meeting the requirements of this chapter, who is licensed to  
55 sell intoxicating liquor by the drink at retail not for  
56 consumption on the premises where sold but for consumption  
57 in a common eating and drinking area, may apply to the  
58 supervisor of [liquor] **alcohol and tobacco** control for a  
59 special permit to remain open on all days of the week  
60 [except Sunday] between the hours of 1:30 a.m. to 3:00 a.m.  
61 [The provisions of subsection 3 of this section shall apply  
62 to the sale of intoxicating liquor by the drink at retail

63 not for consumption on the premises where sold but for  
64 consumption in a common eating and drinking area on  
65 Sunday.] To qualify for such a permit, the premises of such  
66 an applicant must be located in an area which has been  
67 designated as a convention trade area by the governing body  
68 of the county or city. An applicant granted a special  
69 permit under this section shall pay, in addition to all  
70 other fees required by this chapter, an additional fee of  
71 three hundred dollars a year payable at the time and in the  
72 same manner as its other license fees.

311.174. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a city with a population of  
5 at least four thousand inhabitants which borders the  
6 Missouri River and also borders a city with a population of  
7 over three hundred thousand inhabitants located in at least  
8 three counties, in a city with a population of over three  
9 hundred thousand which is located in whole or in part within  
10 a first class county having a charter form of government or  
11 in a first class county having a charter form of government  
12 which contains all or part of a city with a population of  
13 over three hundred thousand inhabitants, may apply to the  
14 supervisor of alcohol and tobacco control for a special  
15 permit to remain open on each day of the week until 3:00  
16 a.m. of the morning of the following day; except that, an  
17 entity exempt from federal income taxes under Section  
18 501(c)(7) of the Internal Revenue Code of 1986, as amended,  
19 and located in a building designated as a National Historic  
20 Landmark by the United States Department of the Interior may  
21 apply for a license to remain open until 6:00 a.m. of the  
22 following day. The time of opening on Sunday may be [9:00]

23 6:00 a.m. The provisions of this section and not those of  
24 section [311.097] **311.293** regarding the time of closing  
25 shall apply to the sale of intoxicating liquor by the drink  
26 at retail for consumption on the premises on Sunday. When  
27 the premises of such an applicant is located in a city as  
28 defined in this section, then the premises must be located  
29 in an area which has been designated as a convention trade  
30 area by the governing body of the city. When the premises  
31 of such an applicant is located in a county as defined in  
32 this section, then the premises must be located in an area  
33 which has been designated as a convention trade area by the  
34 governing body of the county.

35 2. An applicant granted a special permit under this  
36 section shall in addition to all other fees required by this  
37 chapter pay an additional fee of three hundred dollars a  
38 year payable at the time and in the same manner as its other  
39 license fees.

40 3. The provisions of this section allowing for  
41 extended hours of business shall not apply in any  
42 incorporated area wholly located in any first class county  
43 having a charter form of government which contains all or  
44 part of a city with a population of over three hundred  
45 thousand inhabitants until the governing body of such  
46 incorporated area shall have by ordinance or order adopted  
47 the extended hours authorized by this section.

311.176. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a city not located within a  
5 county, may apply to the supervisor of alcohol and tobacco  
6 control for a special permit to remain open on each day of  
7 the week until 3:00 a.m. of the morning of the following

8 day. The time of opening on Sunday may be ~~[9:00]~~ **6:00** a.m.  
9 The provisions of this section and not those of section  
10 ~~[311.097]~~ **311.293** regarding the time of closing shall apply  
11 to the sale of intoxicating liquor by the drink at retail  
12 for consumption on the premises on Sunday. To qualify for  
13 such a permit, the premises of such an applicant must be  
14 located in an area which has been designated as a convention  
15 trade area by the governing body of the city and the  
16 applicant must meet at least one of the following conditions:

17 (1) The business establishment's annual gross sales  
18 for the year immediately preceding the application for  
19 extended hours equals one hundred fifty thousand dollars or  
20 more; or

21 (2) The business is a resort. For purposes of this  
22 section, a "resort" is defined as any establishment having  
23 at least sixty rooms for the overnight accommodation of  
24 transient guests and having a restaurant located on the  
25 premises.

26 2. An applicant granted a special permit pursuant to  
27 this section shall, in addition to all other fees required  
28 by this chapter, pay an additional fee of three hundred  
29 dollars a year payable at the time and in the same manner as  
30 its other license fees.

311.178. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a county of the first  
5 classification having a charter form of government and not  
6 containing all or part of a city with a population of over  
7 three hundred thousand may apply to the supervisor of  
8 alcohol and tobacco control for a special permit to remain  
9 open on each day of the week until 3:00 a.m. of the morning

10 of the following day. The time of opening on Sunday may be  
11 [9:00] **6:00** a.m. The provisions of this section and not  
12 those of section [311.097] **311.293** regarding the time of  
13 closing shall apply to the sale of intoxicating liquor by  
14 the drink at retail for consumption on the premises on  
15 Sunday. The premises of such an applicant shall be located  
16 in an area which has been designated as a convention trade  
17 area by the governing body of the county and the applicant  
18 shall meet at least one of the following conditions:

19 (1) The business establishment's annual gross sales  
20 for the year immediately preceding the application for  
21 extended hours equals one hundred fifty thousand dollars or  
22 more; or

23 (2) The business is a resort. For purposes of this  
24 subsection, a "resort" is defined as any establishment  
25 having at least sixty rooms for the overnight accommodation  
26 of transient guests and having a restaurant located on the  
27 premises.

28 2. Any person possessing the qualifications and  
29 meeting the requirements of this chapter who is licensed to  
30 sell intoxicating liquor by the drink at retail for  
31 consumption on the premises in a county of the third  
32 classification without a township form of government having  
33 a population of more than twenty-three thousand five hundred  
34 but less than twenty-three thousand six hundred inhabitants,  
35 a county of the third classification without a township form  
36 of government having a population of more than nineteen  
37 thousand three hundred but less than nineteen thousand four  
38 hundred inhabitants or a county of the first classification  
39 without a charter form of government with a population of at  
40 least thirty-seven thousand inhabitants but not more than  
41 thirty-seven thousand one hundred inhabitants may apply to

42 the supervisor of alcohol and tobacco control for a special  
43 permit to remain open on each day of the week until 3:00  
44 a.m. of the morning of the following day. The time of  
45 opening on Sunday may be [~~9:00~~] **6:00** a.m. The provisions of  
46 this section and not those of section [~~311.097~~] **311.293**  
47 regarding the time of closing shall apply to the sale of  
48 intoxicating liquor by the drink at retail for consumption  
49 on the premises on Sunday. The applicant shall meet all of  
50 the following conditions:

51 (1) The business establishment's annual gross sales  
52 for the year immediately preceding the application for  
53 extended hours equals one hundred thousand dollars or more;

54 (2) The business is a resort. For purposes of this  
55 subsection, a "resort" is defined as any establishment  
56 having at least seventy-five rooms for the overnight  
57 accommodation of transient guests, having at least three  
58 thousand square feet of meeting space and having a  
59 restaurant located on the premises; and

60 (3) The applicant shall develop, and if granted a  
61 special permit shall implement, a plan ensuring that between  
62 the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating  
63 liquor shall be made except to guests with overnight  
64 accommodations at the licensee's resort. The plan shall be  
65 subject to approval by the supervisor of alcohol and tobacco  
66 control and shall provide a practical method for the  
67 division of alcohol and tobacco control and other law  
68 enforcement agencies to enforce the provisions of subsection  
69 3 of this section.

70 3. While open between the hours of 1:30 a.m. and 3:00  
71 a.m. under a special permit issued pursuant to subsection 2  
72 of this section, it shall be unlawful for a licensee or any  
73 employee of a licensee to sell intoxicating liquor to or



74 permit the consumption of intoxicating liquor by any person  
75 except a guest with overnight accommodations at the  
76 licensee's resort.

77 4. An applicant granted a special permit pursuant to  
78 this section shall, in addition to all other fees required  
79 by this chapter, pay an additional fee of three hundred  
80 dollars a year payable at the time and in the same manner as  
81 its other license fees.

82 5. The provisions of this section allowing for  
83 extended hours of business shall not apply in any  
84 incorporated area wholly located in any county of the first  
85 classification having a charter form of government which  
86 does not contain all or part of a city with a population of  
87 over three hundred thousand inhabitants until the governing  
88 body of such incorporated area shall have by ordinance or  
89 order adopted the extended hours authorized by this section.

311.179. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail in an  
4 international airport located in a county with a charter  
5 form of government and with more than nine hundred fifty  
6 thousand inhabitants or in a county of the first  
7 classification with more than eighty-three thousand but  
8 fewer than ninety-two thousand inhabitants and with a city  
9 of the fourth classification with more than four thousand  
10 five hundred but fewer than five thousand inhabitants as the  
11 county seat may apply to the supervisor of alcohol and  
12 tobacco control for a special permit which:

13 (1) Allows the premises located in the international  
14 airport in such county to open at 4 a.m. and sell  
15 intoxicating liquor by the drink at retail for consumption.  
16 The provisions of this section and not those of section

17 [311.097] **311.293** regarding the time of opening shall apply  
18 to the sale of intoxicating liquor by the drink at retail  
19 for consumption on Sunday;

20 (2) Allows persons to leave licensed establishments  
21 with an alcoholic beverage and enter other airport  
22 designated areas located within such airport. No person  
23 shall take any alcoholic beverage or beverages outside such  
24 designated areas, including onto any airplane; and

25 (3) Requires every licensee within such international  
26 airport to serve alcoholic beverages in containers that  
27 display and contain the licensee's trade name or logo or  
28 some other mark that is unique to that license and licensee.

29 2. An applicant granted a special permit pursuant to  
30 this section shall, in addition to all other fees required  
31 by this chapter, pay an additional fee of three hundred  
32 dollars a year payable at the time and in the same manner as  
33 its other license fees.

311.200. 1. No license shall be issued for the sale  
2 of intoxicating liquor in the original package, not to be  
3 consumed upon the premises where sold, except to a person  
4 engaged in, and to be used in connection with, the operation  
5 of one or more of the following businesses: a drug store, a  
6 cigar and tobacco store, a grocery store, a general  
7 merchandise store, a confectionery or delicatessen store,  
8 nor to any such person who does not have and keep in his **or**  
9 **her** store a stock of goods having a value according to  
10 invoices of at least one thousand dollars, exclusive of  
11 fixtures and intoxicating liquors. Under such license, no  
12 intoxicating liquor shall be consumed on the premises where  
13 sold nor shall any original package be opened on the  
14 premises of the vendor except as otherwise provided in this  
15 law. For every license for sale at retail in the original

16 package, the licensee shall pay to the director of revenue  
17 the sum of one hundred dollars per year.

18 2. For a permit authorizing the sale of malt liquor,  
19 as defined in section 311.490, by grocers and other  
20 merchants and dealers in the original package direct to  
21 consumers but not for resale, a fee of fifty dollars per  
22 year payable to the director of the department of revenue  
23 shall be required. The phrase "original package" shall be  
24 construed and held to refer to any package containing one or  
25 more standard bottles, cans, or pouches of beer.  
26 Notwithstanding the provisions of section 311.290, any  
27 person licensed pursuant to this subsection may also sell  
28 malt liquor at retail between the hours of [9:00] **6:00** a.m.  
29 [and midnight] on [Sunday] **Sundays to 1:30 a.m. on Mondays.**

30 3. For every license issued for the sale of malt  
31 liquor, as defined in section 311.490, at retail by drink  
32 for consumption on the premises where sold, the licensee  
33 shall pay to the director of revenue the sum of fifty  
34 dollars per year. Notwithstanding the provisions of section  
35 311.290, any person licensed pursuant to this subsection may  
36 also sell malt liquor at retail between the hours of 9:00  
37 a.m. and midnight on Sunday.

38 4. For every license issued for the sale of malt  
39 liquor, as defined in section 311.490, and light wines  
40 containing not in excess of fourteen percent of alcohol by  
41 weight made exclusively from grapes, berries and other  
42 fruits and vegetables, at retail by the drink for  
43 consumption on the premises where sold, the licensee shall  
44 pay to the director of revenue the sum of fifty dollars per  
45 year.

46 5. For every license issued for the sale of all kinds  
47 of intoxicating liquor, at retail by the drink for

48 consumption on premises of the licensee, the licensee shall  
49 pay to the director of revenue the sum of three hundred  
50 dollars per year, which shall include the sale of  
51 intoxicating liquor in the original package.

52 6. For every license issued to any railroad company,  
53 railway sleeping car company operated in this state, for  
54 sale of all kinds of intoxicating liquor, as defined in this  
55 chapter, at retail for consumption on its dining cars,  
56 buffet cars and observation cars, the sum of one hundred  
57 dollars per year. A duplicate of such license shall be  
58 posted in every car where such beverage is sold or served,  
59 for which the licensee shall pay a fee of one dollar for  
60 each duplicate license.

61 7. All applications for licenses shall be made upon  
62 such forms and in such manner as the supervisor of alcohol  
63 and tobacco control shall prescribe. No license shall be  
64 issued until the sum prescribed by this section for such  
65 license shall be paid to the director of revenue.

311.293. 1. Except for any establishment that may  
2 apply for a license under section 311.089, any person  
3 possessing the qualifications and meeting the requirements  
4 of this chapter, who is licensed to sell intoxicating liquor  
5 at retail, may apply to the supervisor of alcohol and  
6 tobacco control for a special license to sell intoxicating  
7 liquor at retail between the hours of [9:00] **6:00** a.m. [and  
8 midnight] on Sundays **and 1:30 a.m. on Mondays**. A licensee  
9 under this section shall pay to the director of revenue an  
10 additional fee of two hundred dollars a year payable at the  
11 same time and in the same manner as its other license fees.

12 2. In addition to any fee collected pursuant to  
13 section 311.220, a city or county may charge and collect an  
14 additional fee not to exceed three hundred dollars from any

15 licensee under this section for the privilege of selling  
16 intoxicating liquor at retail between the hours of [9:00]  
17 **6:00** a.m. [and midnight] on Sundays **and 1:30 a.m. on Mondays**  
18 in such city or county; however the additional fee shall not  
19 exceed the fee charged by that city or county for a special  
20 license issued pursuant to any provision of this chapter  
21 which allows a licensee to sell intoxicating liquor by the  
22 drink for consumption on the premises of the licensee on  
23 Sundays.

24 3. The provisions of this section regarding the time  
25 of closing shall not apply to any person who possesses a  
26 special permit issued under section 311.174, 311.176, or  
27 311.178.

311.480. 1. It shall be unlawful for any person  
2 operating any premises where food, beverages or  
3 entertainment are sold or provided for compensation, who  
4 does not possess a license for the sale of intoxicating  
5 liquor, to permit the drinking or consumption of  
6 intoxicating liquor in the premises, without having a  
7 license as in this section provided.

8 2. Application for such license shall be made to the  
9 supervisor of alcohol and tobacco control on forms to be  
10 prescribed by him **or her**, describing the premises to be  
11 licensed and giving all other reasonable information  
12 required by the form. The license shall be issued upon the  
13 payment of the fee required in this section. A license  
14 shall be required for each separate premises and shall  
15 expire on the thirtieth day of June next succeeding the date  
16 of such license. The license fee shall be sixty dollars per  
17 year and the applicant shall pay five dollars for each month  
18 or part thereof remaining from the date of the license to  
19 the next succeeding first of July. Applications for

20 renewals of licenses shall be filed on or before the first  
21 of May of each year.

22 3. The drinking or consumption of intoxicating liquor  
23 shall not be permitted in or upon the licensed premises by  
24 any person under twenty-one years of age, or by any other  
25 person between the hours of 1:30 a.m. and 6:00 a.m. on any  
26 [weekday, and between the hours of 1:30 a.m. Sunday and 6:00  
27 a.m. Monday] **day of the week.** Licenses issued hereunder  
28 shall be conditioned upon the observance of the provisions  
29 of this section and the regulations promulgated thereunder  
30 governing the conduct of premises licensed for the sale of  
31 intoxicating liquor by the drink. The provision of this  
32 section regulating the drinking or consumption of  
33 intoxicating liquor between certain hours and on Sunday  
34 shall apply also to premises licensed under this chapter to  
35 sell intoxicating liquor by the drink. In any incorporated  
36 city having a population of more than twenty thousand  
37 inhabitants, the board of aldermen, city council, or other  
38 proper authorities of incorporated cities may, in addition  
39 to the license fee required in this section, require a  
40 license fee not exceeding three hundred dollars per annum,  
41 payable to the incorporated cities, and provide for the  
42 collection thereof; make and enforce ordinances regulating  
43 the hours of consumption of intoxicating liquors on premises  
44 licensed hereunder, not inconsistent with the other  
45 provisions of this law, and provide penalties for the  
46 violation thereof. No person shall be granted a license  
47 hereunder unless such person is of good moral character and  
48 a qualified legal voter and a taxpaying citizen of the  
49 county, town, city or village, nor shall any corporation be  
50 granted a license hereunder unless the managing officer of  
51 such corporation is of good moral character and a qualified

52 legal voter and taxpaying citizen of the county, town, city  
53 or village.

54 4. Any premises operated in violation of the  
55 provisions of this section, or where intoxicating liquor is  
56 consumed in violation of this section, is hereby declared to  
57 be a public and common nuisance, and it shall be the duty of  
58 the supervisor of alcohol and tobacco control and of the  
59 prosecuting or circuit attorney of the city of St. Louis,  
60 and the prosecuting attorney of the county in which the  
61 premises are located, to enjoin such nuisance.

62 5. Any person operating any premises, or any employee,  
63 agent, representative, partner, or associate of such person,  
64 who shall knowingly violate any of the provisions of this  
65 section, or any of the laws or regulations herein made  
66 applicable to the conduct of such premises, is guilty of a  
67 class A misdemeanor.

68 6. The supervisor of alcohol and tobacco control is  
69 hereby empowered to promulgate regulations necessary or  
70 reasonably designed to enforce or construe the provisions of  
71 this section, and is empowered to revoke or suspend any  
72 license issued hereunder, as provided in this chapter, for  
73 violation of this section or any of the laws or regulations  
74 herein made applicable to the conduct of premises licensed  
75 hereunder.

76 7. Nothing in this section shall be construed to  
77 prohibit the sale or delivery of any intoxicating liquor  
78 during any of the hours or on any of the days specified in  
79 this section by a wholesaler licensed under the provisions  
80 of section 311.180 to a person licensed to sell the  
81 intoxicating liquor at retail.

82 8. No intoxicating liquor may be served or sold on any  
83 premises used as a polling place on election day.

311.482. 1. Notwithstanding any other provision of  
2 this chapter, a permit for the sale of all kinds of  
3 intoxicating liquor, including intoxicating liquor in the  
4 original package, at retail by the drink for consumption on  
5 the premises of the licensee may be issued to any church,  
6 school, civic, service, fraternal, veteran, political, or  
7 charitable club or organization for the sale of such  
8 intoxicating liquor at a picnic, bazaar, fair, or similar  
9 gathering. The permit shall be issued only for the day or  
10 days named therein and it shall not authorize the sale of  
11 intoxicating liquor for more than seven days by any such  
12 club or organization.

13 2. To secure the permit, the applicant shall complete  
14 a form provided by the supervisor, but no applicant shall be  
15 required to furnish a personal photograph as part of the  
16 application. The applicant shall pay a fee of twenty-five  
17 dollars for such permit.

18 3. If the event will be held on a Sunday, the permit  
19 shall authorize the sale of intoxicating liquor on that day  
20 beginning at [~~11:00~~] **6:00** a.m.

21 4. At the same time that an applicant applies for a  
22 permit under the provisions of this section, the applicant  
23 shall notify the director of revenue of the holding of the  
24 event and by such notification, by certified mail, shall  
25 accept responsibility for the collection and payment of any  
26 applicable sales tax. Any sales tax due shall be paid to  
27 the director of revenue within fifteen days after the close  
28 of the event, and failure to do so shall result in a  
29 liability of triple the amount of the tax due plus payment  
30 of the tax, and denial of any other permit for a period of  
31 three years. Under no circumstances shall a bond be required  
32 from the applicant.



33           5. No provision of law or rule or regulation of the  
34 supervisor shall be interpreted as preventing any wholesaler  
35 or distributor from providing customary storage, cooling or  
36 dispensing equipment for use by the permit holder at such  
37 picnic, bazaar, fair or similar gathering.

          311.710. 1. In addition to the penalties and  
2 proceedings for suspension or revocation of licenses  
3 provided for in this chapter, and without limiting them,  
4 proceedings for the suspension or revocation of any license  
5 authorizing the sale of intoxicating liquor at retail may be  
6 brought in the circuit court of any county in this state, or  
7 in the city of St. Louis, in which the licensed premises are  
8 located and such proceedings may be brought by the sheriff  
9 or any peace officer of that county or by any eight or more  
10 persons who are taxpaying citizens of the county or city for  
11 any of the following offenses:

12           (1) Selling, giving or otherwise supplying  
13 intoxicating liquor to a habitual drunkard or to any person  
14 who is under or apparently under the influence of  
15 intoxicating liquor;

16           (2) Knowingly permitting any prostitute, degenerate,  
17 or dissolute person to frequent the licensed premises;

18           (3) Permitting on the licensed premises any disorderly  
19 conduct, breach of the peace, or any lewd, immoral or  
20 improper entertainment, conduct or practices;

21           (4) Selling, offering for sale, possessing or  
22 knowingly permitting the consumption on the licensed  
23 premises of any kind of intoxicating liquors, the sale,  
24 possession or consumption of which is not authorized under  
25 his **or her** license;

26 (5) Selling, giving, or otherwise supplying  
27 intoxicating liquor to any person under the age of twenty-  
28 one years;

29 (6) Selling, giving or otherwise supplying  
30 intoxicating liquors between the hours of [12:00 midnight  
31 Saturday night and 12:00 midnight Sunday night] **1:30 a.m.**  
32 **and 6:00 a.m. any day of the week.**

33 2. Provided, that said taxpaying citizen shall submit  
34 in writing, under oath, by registered United States mail to  
35 the supervisor of [liquor] **alcohol and tobacco** control a  
36 joint complaint, stating the name of the licensee, the name  
37 under which the licensee's business is conducted and the  
38 address of the licensed premises, setting out in general the  
39 character and nature of the offense or offenses charged,  
40 together with the names and addresses of the witnesses by  
41 whom proof thereof is expected to be made; and provided,  
42 that after a period of thirty days after the mailing of such  
43 complaint to the supervisor of [liquor] **alcohol and tobacco**  
44 control the person therein complained of shall not have been  
45 cited by the supervisor to appear and show cause why his **or**  
46 **her** license should not be suspended or revoked then they  
47 shall file with the circuit clerk of the county or city in  
48 which the premises are located a copy of the complaint on  
49 file with the supervisor of [liquor] **alcohol and tobacco**  
50 control.

51 3. If, pursuant to the receipt of such complaint by  
52 the supervisor of [liquor] **alcohol and tobacco** control, the  
53 licensee appears and shows cause why his **or her** license  
54 should not be suspended or revoked at a hearing held for  
55 that purpose by the supervisor and either the complainants  
56 or the licensee consider themselves aggrieved with the order  
57 of the supervisor then, after a request in writing by either

58 the complainants or the licensee, the supervisor shall  
59 certify to the circuit clerk of the county or city in which  
60 the licensed premises are located a copy of the original  
61 complaint filed with him **or her**, together with a copy of the  
62 transcript of the evidence adduced at the hearing held by  
63 him **or her**. Such certification by the supervisor shall not  
64 act as a supersedeas of any order made by him **or her**.

65 4. Upon receipt of such complaint, whether from the  
66 complainant directly or from the supervisor of [liquor]  
67 **alcohol and tobacco** control, the court shall set a date for  
68 an early hearing thereon and it shall be the duty of the  
69 circuit clerk to cause to be delivered by registered United  
70 States mail to the prosecuting attorney of the county or to  
71 the circuit attorney of the city of St. Louis and to the  
72 licensee copies of the complaint and he **or she** shall, at the  
73 same time, give notice of the time and place of the  
74 hearing. Such notice shall be delivered to the prosecuting  
75 attorney or to the circuit attorney and to the licensee at  
76 least fifteen days prior to the date of the hearing.

77 5. The complaint shall be heard by the court without a  
78 jury and if there has been a prior hearing thereon by the  
79 supervisor of [liquor] **alcohol and tobacco** control then the  
80 case shall be heard de novo and both the complainants and  
81 the licensee may produce new and additional evidence  
82 material to the issues.

83 6. If the court shall find upon the hearing that the  
84 offense or offenses charged in the complaint have been  
85 established by the evidence, the court shall order the  
86 suspension or revocation of the license but, in so doing,  
87 shall take into consideration whatever order, if any, may  
88 have been made in the premises by the supervisor of [liquor]  
89 **alcohol and tobacco** control. If the court finds that to

90 revoke the license would be unduly severe, then the court  
91 may suspend the license for such period of time as the court  
92 deems proper.

93 7. The judgment of the court in no event shall be  
94 superseded or stayed during pendency of any appeal therefrom.

95 8. It shall be the duty of the prosecuting attorney or  
96 circuit attorney to prosecute diligently and without delay  
97 any such complaints coming to him **or her** by virtue of this  
98 section.

99 9. The jurisdiction herein conferred upon the circuit  
100 courts to hear and determine complaints for the suspension  
101 or revocation of licenses in the manner provided in this  
102 section shall not be exclusive and any authority conferred  
103 upon the supervisor of [liquor] **alcohol and tobacco** control  
104 to revoke or suspend licenses shall remain in full force and  
105 effect, and the suspension or revocation of a license as  
106 provided in this section shall be in addition to and not in  
107 lieu of any other revocation or suspension provided by this  
108 chapter.

109 10. Costs accruing because of such hearings in the  
110 circuit court shall be taxed in the same manner as criminal  
111 costs.

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