

FIRST REGULAR SESSION

SENATE BILL NO. 126

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

0746S.01I

ADRIANE D. CROUSE, Secretary

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.

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3 311.710, RSMo, are repealed and eleven new sections enacted in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
12 fee shall be prorated for the period of the license based on
13 the cost of the annual license for the establishment.

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

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

2. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, or who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay to the director of revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as fixed in section 311.290, the authority for the collection of fees by counties and cities as provided in section 311.220, and all other laws and regulations of this state relating to the 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 control may issue, a license to sell
42 intoxicating liquor, as defined in this chapter, between the
43 hours of [11:00] **6:00** a.m. on [Sunday] **Sundays** and [12:00
44 midnight] **1:30** a.m. on [Sunday] **Mondays** by the drink at
45 retail not for consumption on the premises where sold but
46 for consumption in a common eating and drinking area, as
47 described in the application for such license. In addition
48 to all other fees required by law, each establishment in a
49 common eating and drinking area licensed under this
50 subsection shall pay an additional fee of two hundred
51 dollars a year payable at the same time and in the same
52 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 control for a special permit to remain
59 open on all days of the week [except Sunday] between the
60 hours of 1:30 a.m. to 3:00 a.m. [The provisions of
61 subsection 3 of this section shall apply to the sale of
62 intoxicating liquor by the drink at retail not for
63 consumption on the premises where sold but for consumption
64 in a common eating and drinking area on Sunday.] To qualify

65 for such a permit, the premises of such an applicant must be
66 located in an area which has been designated as a convention
67 trade area by the governing body of the county or city. An
68 applicant granted a special permit under this section shall
69 pay, in addition to all other fees required by this chapter,
70 an additional fee of three hundred dollars a year payable at
71 the time and in the 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
9 store a stock of goods having a value according to invoices
10 of at least one thousand dollars, exclusive of fixtures and
11 intoxicating liquors. Under such license, no intoxicating
12 liquor shall be consumed on the premises where sold nor
13 shall any original package be opened on the premises of the
14 vendor except as otherwise provided in this law. For every
15 license for sale at retail in the original package, the
16 licensee shall pay to the director of revenue the sum of one
17 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, describing the premises to be licensed
11 and giving all other reasonable information required by the
12 form. The license shall be issued upon the payment of the
13 fee required in this section. A license shall be required
14 for each separate premises and shall expire on the thirtieth
15 day of June next succeeding the date of such license. The
16 license fee shall be sixty dollars per year and the
17 applicant shall pay five dollars for each month or part
18 thereof remaining from the date of the license to the next
19 succeeding first of July. Applications for renewals of
20 licenses shall be filed on or before the first of May of
21 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 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 control a joint complaint, stating
36 the name of the licensee, the name under which the
37 licensee's business is conducted and the address of the
38 licensed premises, setting out in general the character and
39 nature of the offense or offenses charged, together with the
40 names and addresses of the witnesses by whom proof thereof
41 is expected to be made; and provided, that after a period of
42 thirty days after the mailing of such complaint to the
43 supervisor of liquor control the person therein complained
44 of shall not have been cited by the supervisor to appear and
45 show cause why his license should not be suspended or
46 revoked then they shall file with the circuit clerk of the
47 county or city in which the premises are located a copy of
48 the complaint on file with the supervisor of liquor control.

49 3. If, pursuant to the receipt of such complaint by
50 the supervisor of liquor control, the licensee appears and
51 shows cause why his license should not be suspended or
52 revoked at a hearing held for that purpose by the supervisor
53 and either the complainants or the licensee consider
54 themselves aggrieved with the order of the supervisor then,
55 after a request in writing by either the complainants or the
56 licensee, the supervisor shall certify to the circuit clerk
57 of the county or city in which the licensed premises are
58 located a copy of the original complaint filed with him,
59 together with a copy of the transcript of the evidence
60 adduced at the hearing held by him. Such certification by

61 the supervisor shall not act as a supersedeas of any order
62 made by him.

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

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

80 6. If the court shall find upon the hearing that the
81 offense or offenses charged in the complaint have been
82 established by the evidence, the court shall order the
83 suspension or revocation of the license but, in so doing,
84 shall take into consideration whatever order, if any, may
85 have been made in the premises by the supervisor of liquor
86 control. If the court finds that to revoke the license
87 would be unduly severe, then the court may suspend the
88 license for such period of time as the court deems proper.

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

91 8. It shall be the duty of the prosecuting attorney or
92 circuit attorney to prosecute diligently and without delay
93 any such complaints coming to him by virtue of this section.

94 9. The jurisdiction herein conferred upon the circuit
95 courts to hear and determine complaints for the suspension
96 or revocation of licenses in the manner provided in this
97 section shall not be exclusive and any authority conferred
98 upon the supervisor of liquor control to revoke or suspend
99 licenses shall remain in full force and effect, and the
100 suspension or revocation of a license as provided in this
101 section shall be in addition to and not in lieu of any other
102 revocation or suspension provided by this chapter.

103 10. Costs accruing because of such hearings in the
104 circuit court shall be taxed in the same manner as criminal
105 costs.

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