

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 672 & 774
89TH GENERAL ASSEMBLY

Reported from the Committee on Corrections and General Laws, March 12, 1998, with recommendation that the Senate Committee Substitute do pass.

S3010.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 311.093 and 311.328, RSMo 1994, and sections 311.097, 311.098, 311.102 and 311.260, RSMo Supp. 1997, relating to intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 311.093 and 311.328, RSMo 1994, and sections 311.097, 311.098, 311.102 and 311.260, RSMo Supp. 1997, are repealed and five new sections enacted in lieu thereof, to be known as sections 311.097, 311.098, 311.102, 311.328 and 1, to read as follows:

[311.093. Notwithstanding any other law to the contrary, any dance ballroom that is at least fifty years old, located in a business district of a city not within a county, with a seating capacity of at least six hundred persons, and with a dance floor of at least four thousand eight hundred square feet may apply to the supervisor of liquor control for a special license to sell intoxicating liquor by the drink at retail on the premises between the hours of 11:00 a.m. and midnight on Sundays. In addition to all other fees required by law, an applicant granted a special license under this section shall pay an additional fee of two hundred dollars a year payable at the time and in the same manner as its other license fees.]

311.097. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and 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 in this chapter defined, between the hours of 11:00 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application. As used

in this section, the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on such premises.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

3. Any new restaurant bar having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 a.m. and midnight on Sunday for a period not to exceed ninety days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

4. In counties of the first class having a charter form of government and which contain all or a part of a city having a population of at least three hundred fifty thousand, any restaurant bar licensed under the provisions of this section which is located on the grounds of a sports stadium primarily used for professional sporting events may sell intoxicating liquor by the drink at retail for consumption within the premises of the restaurant bar on Sunday between the hours of 11:00 a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in subsection 1 of this section.

5. In any city or county having a population in excess of three hundred fifty thousand inhabitants, any restaurant not located in a convention trade area licensed under the provisions of this section may sell intoxicating liquor by the drink at retail for consumption within the premises of the restaurant bar on Sunday between the hours of 9:00 a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in subsection 1 of this section.

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

311.098. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and 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, between the hours of [11:00] **9:00** a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section the term "amusement place" means any establishment whose business building contains a square footage of at least [six] **five** thousand square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course with a minimum of nine holes, **or a golf driving range with a minimum of twelve driving tees, or a horse palace or horse arena where rodeos, horse shows and/or horse sales regularly occur**, and which has annual gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic sales.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an amusement place in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, an amusement place shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees.

3. Any new amusement place having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of [11:00] **9:00** a.m. and midnight on Sunday for a period not to exceed ninety days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

311.102. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who 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 by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of [11:00] **9:00** a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a city not within a county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred [eighty] **fifty** thousand or more or in any city with a population of three hundred [eighty] **fifty** thousand or more which is located in more than one county which has occupancy capacity for patrons of at

least three hundred and which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

[311.260. No person or corporation, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than three licenses, nor be directly or indirectly interested in any business of any other person or corporation, or of any employee, officer, agent, subsidiary, or affiliate thereof, to sell intoxicating liquor, at retail by the drink for consumption on the premises described in any license, nor shall any intoxicating liquor be sold at retail by the drink for consumption at the place of sale at more than three places in this state, by any person or corporation, or by any employee, officer, agent, subsidiary, or affiliate thereof, except that, notwithstanding any other provision of this chapter or municipal ordinance to the contrary, in determining whether any person, corporation, or any employee, officer, agent, subsidiary, or affiliate thereof, has a disqualifying interest in more than three licenses, there shall not be counted any license to sell intoxicating liquor at retail by the drink for consumption on premises which include a restaurant at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on premises where sold or which has an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on premises where sold, or which include a facility for the performance of live entertainment and where the receipts for admission to such performances exceed one hundred thousand dollars per calendar year.]

311.328. 1. The operator's or chauffeur's license issued under the provisions of section 302.177, RSMo, or the operator's or chauffeur's license issued under the laws of [the states of Arkansas, Illinois, Oklahoma, Kansas, or Iowa] **any state or possession of the United States** to residents of those states **or possessions**, or an identification card as provided for under section 302.181, RSMo, or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the division of liquor control or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or

employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of liquor control or the courts are satisfied that the licensee acted in good faith.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

Section 1. 1. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight pursuant to chapter 311, RSMo, shall ship and deliver intoxicating liquor and wine to a retailer in the amount for which the scheduled price set forth on the invoice is in effect.

2. Such wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight shall not take an order for which delivery in a month subsequent to the month in which the order is taken, provided that on and after the date on which amended price schedules are filed with the supervisor of liquor control, orders may be taken for delivery in the following month at the price in effect for that following month and provided, further, that for any order received within the last three business days of a month, the wholesaler may, with the consent of the retailer placing such order, or upon the request of the retailer placing such order, deliver such order to the retailer within the first three business days of the month following the month in which the order was received by such wholesaler at the price in effect for the month in which the order was placed. Such order received within the last three business days of a month and delivered within the first three business days of the subsequent month shall be known as a "delayed shipment". A delayed shipment shall be deemed delivered on the last business day of the month in which the order was received for purposes of implementing and enforcing rules and regulations of the supervisor of liquor control relating to invoicing, discounts and ordinary commercial credit terms.

3. Any wholesaler licensed to sell intoxicating liquor or wine containing alcohol in excess of five percent by weight violating any provision of this section shall be subject to, and punished pursuant to, the penalties and provisions of section 311.680, RSMo.

Unofficial

Bill

Copy