

1 AN ACT relating to alcoholic beverages.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 241.140 is amended to read as follows:

4 **(1)** Each county administrator shall have the same duties and functions regarding local
5 license applications and renewals as the department with respect to state licenses.

6 **(2)** Each county administrator shall have the same duties and functions regarding local
7 license penalization as the board with respect to state license penalization.

8 **(3) If a local license application is denied:**

9 **(a) The county administrator shall give the applicant written notification of the**
10 **reasons for the denial; and**

11 **(b) The applicant shall not apply for a license for the same premises for at least**
12 **twelve (12) months from the date of the denial.**

13 **(4)** If any city appoints its own administrator under KRS 241.160, the county
14 administrator in that county shall have jurisdiction over only that portion of the
15 county which lies outside the corporate limits of that city, unless the city does not
16 have an adequate police force.

17 ➔Section 2. KRS 241.190 is amended to read as follows:

18 **(1)** Each city administrator shall have the same duties and functions regarding local
19 license applications and renewals as the department with respect to state licenses.

20 **(2)** Each city administrator shall have the same duties and functions regarding local
21 license penalization as the board with respect to state license penalization.

22 **(3) If a local license application is denied:**

23 **(a) The city administrator shall give the applicant written notification of the**
24 **reasons for the denial; and**

25 **(b) The applicant shall not apply for a license for the same premises for at least**
26 **twelve (12) months from the date of the denial.**

27 ➔Section 3. KRS 241.250 is amended to read as follows:

1 **(1)** Each urban-county administrator shall have the same duties and functions regarding
 2 local license applications and renewals as the department with respect to state
 3 licenses.

4 **(2)** Each urban-county administrator shall have the same duties and functions regarding
 5 local license penalization as the board with respect to state license penalization.

6 **(3) If a local license application is denied:**

7 **(a) The urban-county administrator shall give the applicant written notification**
 8 **of the reasons for the denial; and**

9 **(b) The applicant shall not apply for a license for the same premises for at least**
 10 **twelve (12) months from the date of the denial.**

11 ➔Section 4. KRS 243.450 is amended to read as follows:

12 (1) A license shall be denied:

13 (a) If the applicant or the premises for which the license is sought does not
 14 comply fully with all alcoholic beverage control statutes and the
 15 administrative regulations of the board;

16 (b) If the applicant has not obtained approval from the local ABC administrator
 17 for a county or city license required at the proposed premises;

18 (c) If the applicant has done any act for which a revocation of license would be
 19 authorized;~~[-or]~~

20 (d) If the applicant has made any false material statement in its application; **or**

21 **(e) If the applicant had a license application for the same premises denied by a**
 22 **state or local administrator less than twelve (12) months before the current**
 23 **application was received.**

24 (2) A license may be denied by a state administrator for any reason that the
 25 administrator, in the exercise of the administrator's sound discretion, deems
 26 sufficient. Among those factors that the administrator shall consider in the exercise
 27 of this discretion are:

- 1 (a) Public sentiment in the area;
 - 2 (b) Number of licensed outlets in the area;
 - 3 (c) Potential for future growth;
 - 4 (d) Type of area involved;
 - 5 (e) Type of transportation available;
 - 6 (f) Financial potential of the area; and
 - 7 (g) Applicant's status as a delinquent taxpayer as defined in KRS 131.1815.
- 8 (3) A direct shipper license applicant shall be exempt from the requirements of this
- 9 section and shall instead meet the requirements for its license type as set forth in
- 10 KRS 243.027.