

SECOND REGULAR SESSION

# HOUSE BILL NO. 1485

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALTON GRAY.

4271H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 311.176, 311.178, 311.200, 311.290, and 311.293, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with a penalty provision.

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

Section A. Sections 311.176, 311.178, 311.200, 311.290, and 311.293, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 311.176, 311.178,  
3 311.200, 311.290, and 311.293, to read as follows:

311.176. 1. Any person possessing the qualifications and meeting the requirements of  
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on  
3 the premises in a city not located within a county, may apply to the supervisor of alcohol and  
4 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of  
5 the morning of the following day. The time of opening on Sunday may be 9:00 a.m. The  
6 provisions of this section and not those of section 311.097 regarding the time of closing shall  
7 apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on  
8 Sunday. To qualify for such a permit, the premises of such an applicant must be located in an  
9 area which has been designated as a convention trade area by the governing body of the city and  
10 the applicant must meet at least one of the following conditions:

11 (1) The business establishment's annual gross sales for the year immediately preceding  
12 the application for extended hours equals one hundred fifty thousand dollars or more; [or]

13 (2) The business is a resort. For purposes of this section, a "resort" is defined as any  
14 establishment having at least sixty rooms for the overnight accommodation of transient guests  
15 and having a restaurant located on the premises; **or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(3) The business is a charitable, fraternal, religious, service, or veterans'**  
17 **organization which has obtained an exemption from the payment of federal income taxes**  
18 **as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),**  
19 **501(c)(19), or 501(d) of the United States Internal Revenue Code of 1986, as amended.**

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

311.178. 1. Any person possessing the qualifications and meeting the requirements of  
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on  
3 the premises in a county of the first classification having a charter form of government and not  
4 containing all or part of a city with a population of over three hundred thousand may apply to the  
5 supervisor of alcohol and tobacco control for a special permit to remain open on each day of the  
6 week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may  
7 be 9:00 a.m. The provisions of this section and not those of section 311.097 regarding the time  
8 of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on  
9 the premises on Sunday. The premises of such an applicant shall be located in an area which has  
10 been designated as a convention trade area by the governing body of the county and the applicant  
11 shall meet at least one of the following conditions:

12           (1) The business establishment's annual gross sales for the year immediately preceding  
13 the application for extended hours equals one hundred fifty thousand dollars or more; [or]

14           (2) The business is a resort. For purposes of this subsection, a "resort" is defined as any  
15 establishment having at least sixty rooms for the overnight accommodation of transient guests  
16 and having a restaurant located on the premises; **or**

17           **(3) The business is a charitable, fraternal, religious, service, or veterans'**  
18 **organization which has obtained an exemption from the payment of federal income taxes**  
19 **as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),**  
20 **501(c)(19), or 501(d) of the United States Internal Revenue Code of 1986, as amended.**

21           2. Any person possessing the qualifications and meeting the requirements of this chapter  
22 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises  
23 in a county of the third classification without a township form of government having a  
24 population of more than twenty-three thousand five hundred but less than twenty-three thousand  
25 six hundred inhabitants, a county of the third classification without a township form of  
26 government having a population of more than nineteen thousand three hundred but less than  
27 nineteen thousand four hundred inhabitants or a county of the first classification without a charter  
28 form of government with a population of at least thirty-seven thousand inhabitants but not more  
29 than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and

30 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of  
31 the morning of the following day. The time of opening on Sunday may be 9:00 a.m. The  
32 provisions of this section and not those of section 311.097 regarding the time of closing shall  
33 apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on  
34 Sunday. The applicant shall meet all of the following conditions:

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

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

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

47 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit  
48 issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee  
49 of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any  
50 person except a guest with overnight accommodations at the licensee's resort.

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

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

311.200. 1. No license shall be issued for the sale of intoxicating liquor in the original  
2 package, not to be consumed upon the premises where sold, except to a person engaged in, and  
3 to be used in connection with, the operation of one or more of the following businesses: a drug  
4 store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or  
5 delicatessen store, nor to any such person who does not have and keep in his store a stock of  
6 goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures  
7 and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the

8 premises where sold nor shall any original package be opened on the premises of the vendor  
9 except as otherwise provided in this law. For every license for sale at retail in the original  
10 package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

11 2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight  
12 by grocers and other merchants and dealers in the original package direct to consumers but not  
13 for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall  
14 be required. The phrase "original package" shall be construed and held to refer to any package  
15 containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the  
16 provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt  
17 liquor at retail between the hours of 9:00 a.m. and [midnight] **10:00 p.m.** on Sunday.

18 3. For every license issued for the sale of malt liquor at retail by drink for consumption  
19 on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty  
20 dollars per year. Notwithstanding the provisions of section 311.290, any person licensed  
21 pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and  
22 midnight on Sunday.

23 4. For every license issued for the sale of malt liquor and light wines containing not in  
24 excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other  
25 fruits and vegetables, at retail by the drink for consumption on the premises where sold, the  
26 licensee shall pay to the director of revenue the sum of fifty dollars per year.

27 5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the  
28 drink for consumption on premises of the licensee, the licensee shall pay to the director of  
29 revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating  
30 liquor in the original package.

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

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

311.290. **1.** No person having a license issued pursuant to this chapter, nor any  
2 employee of such person, shall sell, give away, or permit the consumption of any intoxicating  
3 liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between  
4 the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the

5 person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a  
6 closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays  
7 and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses  
8 authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling  
9 alleys, this section shall apply only to the room or rooms in which intoxicating liquor is  
10 dispensed; and where such licenses are held by restaurants or bowling alleys whose business is  
11 conducted in one room only, then the licensee shall keep securely locked during the hours and  
12 on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which  
13 intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are  
14 locked and where no patrons are in the place or about the premises. Any person violating any  
15 provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this  
16 section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any  
17 of the hours or on any of the days specified in this section by a wholesaler licensed under the  
18 provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail. **This**  
19 **subsection shall not apply to any retail business, as defined in subsection 2 of this section,**  
20 **that sells intoxicating liquor in the original package to be consumed off the premises where**  
21 **sold.**

22 **2. No retail business having a license issued under this chapter shall sell**  
23 **intoxicating liquor in the original package to be consumed off the premises where sold**  
24 **between the hours of 10:00 p.m. and 6:00 a.m. on weekdays and between the hours of 10:00**  
25 **p.m. Saturday and 6:00 a.m. Monday. As used in this section, "retail business" means any**  
26 **drug store, cigar and tobacco store, grocery store, general merchandise store, or**  
27 **confectionary or delicatessen store.**

311.293. 1. Except for any establishment that may apply for a license under section  
2 311.089, any person possessing the qualifications and meeting the requirements of this chapter,  
3 who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and  
4 tobacco control for a special license to sell intoxicating liquor at retail between the hours of 9:00  
5 a.m. and midnight on Sundays. A licensee under this section shall pay to the director of revenue  
6 an additional fee of two hundred dollars a year payable at the same time and in the same manner  
7 as its other license fees. **This subsection shall not apply to any retail business, as defined in**  
8 **subsection 2 of section 311.290, that sells intoxicating liquor in the original package to be**  
9 **consumed off the premises where sold.**

10 **2.** In addition to any fee collected pursuant to section 311.220, a city or county may  
11 charge and collect an additional fee not to exceed three hundred dollars from any licensee under  
12 this section for the privilege of selling intoxicating liquor at retail between the hours of 9:00 a.m.  
13 and midnight on Sundays in such city or county; however the additional fee shall not exceed the

14 fee charged by that city or county for a special license issued pursuant to any provision of this  
15 chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the  
16 premises of the licensee on Sundays. **This subsection shall not apply to any retail business,**  
17 **as defined in subsection 2 of section 311.290, that sells intoxicating liquor in the original**  
18 **package to be consumed off the premises where sold.**

19       **3. Notwithstanding any provisions of law, a retail business, as defined in subsection**  
20 **2 of section 311.290, possessing the qualifications and meeting the requirements of this**  
21 **chapter, that is licensed to sell intoxicating liquor in the original package at retail for**  
22 **consumption off the premises where sold, may apply to the supervisor of alcohol and**  
23 **tobacco control for a special license to sell such intoxicating liquor at retail between the**  
24 **hours of 9:00 a.m. and 10:00 p.m. on Sundays. A licensee under this section shall pay to**  
25 **the director of revenue an additional fee of two hundred dollars a year payable at the same**  
26 **time and in the same manner as its other license fees. In addition to any fee collected under**  
27 **section 311.220, a city or county may charge and collect an additional fee not to exceed**  
28 **three hundred dollars from any licensee under this subsection for the privilege of selling**  
29 **intoxicating liquor at retail between the hours of 9:00 a.m. and 10:00 p.m. on Sundays in**  
30 **such city or county.**

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

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