

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2104

98TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, April 27, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

5673S.02C

AN ACT

To repeal sections 311.060, 311.205, and 311.298, RSMo, and to enact in lieu thereof four new sections relating to liquor control.

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

Section A. Sections 311.060, 311.205, and 311.298, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 311.060,
3 311.205, 311.298, and 311.950, to read as follows:

311.060. 1. No person shall be granted a license hereunder unless such
2 person is of good moral character and a qualified legal voter and a taxpaying
3 citizen of the county, town, city or village, nor shall any corporation be granted
4 a license hereunder unless the managing officer of such corporation is of good
5 moral character and a qualified legal voter and taxpaying citizen of the county,
6 town, city or village; and, **except as otherwise provided under subsection**
7 **7 of this section**, no person shall be granted a license or permit hereunder
8 whose license as such dealer has been revoked, or who has been convicted, since
9 the ratification of the twenty-first amendment to the Constitution of the United
10 States, of a violation of the provisions of any law applicable to the manufacture
11 or sale of intoxicating liquor, or who employs in his or her business as such dealer
12 any person whose license has been revoked **unless five years have passed**
13 **since the revocation as provided under subsection 6 of this section**, or
14 who has been convicted of violating such law since the date aforesaid; provided,
15 that nothing in this section contained shall prevent the issuance of licenses to
16 nonresidents of Missouri or foreign corporations for the privilege of selling to duly
17 licensed wholesalers and soliciting orders for the sale of intoxicating liquors to,

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

18 by or through a duly licensed wholesaler, within this state.

19 2. (1) No person, partnership or corporation shall be qualified for a
20 license under this law if such person, any member of such partnership, or such
21 corporation, or any officer, director, or any stockholder owning, legally or
22 beneficially, directly or indirectly, ten percent or more of the stock of such
23 corporation, or other financial interest therein, or ten percent or more of the
24 interest in the business for which the person, partnership or corporation is
25 licensed, or any person employed in the business licensed under this law shall
26 have had a license revoked under this law **except as otherwise provided**
27 **under subsections 6 and 7 of this section**, or shall have been convicted of
28 violating the provisions of any law applicable to the manufacture or sale of
29 intoxicating liquor since the ratification of the twenty-first amendment to the
30 Constitution of the United States, or shall not be a person of good moral
31 character.

32 (2) No license issued under this chapter shall be denied, suspended,
33 revoked or otherwise affected based solely on the fact that an employee of the
34 licensee has been convicted of a felony unrelated to the manufacture or sale of
35 intoxicating liquor. Each employer shall report the identity of any employee
36 convicted of a felony to the division of liquor control. The division of liquor
37 control shall promulgate rules to enforce the provisions of this subdivision.

38 (3) No wholesaler license shall be issued to a corporation for the sale of
39 intoxicating liquor containing alcohol in excess of five percent by weight, except
40 to a resident corporation as defined in this section.

41 3. A "resident corporation" is defined to be a corporation incorporated
42 under the laws of this state, all the officers and directors of which, and all the
43 stockholders, who legally and beneficially own or control sixty percent or more of
44 the stock in amount and in voting rights, shall be qualified legal voters and
45 taxpaying citizens of the county and municipality in which they reside and who
46 shall have been bona fide residents of the state for a period of three years
47 continuously immediately prior to the date of filing of application for a license,
48 provided that a stockholder need not be a voter or a taxpayer, and all the resident
49 stockholders of which shall own, legally and beneficially, at least sixty percent of
50 all the financial interest in the business to be licensed under this law; provided,
51 that no corporation, licensed under the provisions of this law on January 1, 1947,
52 nor any corporation succeeding to the business of a corporation licensed on
53 January 1, 1947, as a result of a tax-free reorganization coming within the

54 provisions of Section 112, United States Internal Revenue Code, shall be
55 disqualified by reason of the new requirements herein, except corporations
56 engaged in the manufacture of alcoholic beverages containing alcohol in excess
57 of five percent by weight, or owned or controlled, directly or indirectly, by
58 nonresident persons, partnerships or corporations engaged in the manufacture of
59 alcoholic beverages containing alcohol in excess of five percent by weight.

60 4. The term "financial interest" as used in this chapter is defined to mean
61 all interest, legal or beneficial, direct or indirect, in the capital devoted to the
62 licensed enterprise and all such interest in the net profits of the enterprise, after
63 the payment of reasonable and necessary operating business expenses and taxes,
64 including interest in dividends, preferred dividends, interest and profits, directly
65 or indirectly paid as compensation for, or in consideration of interest in, or for use
66 of, the capital devoted to the enterprise, or for property or money advanced,
67 loaned or otherwise made available to the enterprise, except by way of ordinary
68 commercial credit or bona fide bank credit not in excess of credit customarily
69 granted by banking institutions, whether paid as dividends, interest or profits,
70 or in the guise of royalties, commissions, salaries, or any other form whatsoever.

71 5. The supervisor shall by regulation require all applicants for licenses to
72 file written statements, under oath, containing the information reasonably
73 required to administer this section. Statements by applicants for licenses as
74 wholesalers and retailers shall set out, with other information required, full
75 information concerning the residence of all persons financially interested in the
76 business to be licensed as required by regulation. All material changes in the
77 information filed shall be promptly reported to the supervisor.

78 **6. Any person whose license or permit issued under this chapter**
79 **has been revoked shall be automatically eligible to work as an**
80 **employee of an establishment holding a license or permit under this**
81 **chapter five years after the date of the revocation.**

82 **7. Any person whose license or permit issued under this chapter**
83 **has been revoked shall be eligible to apply and be qualified for a new**
84 **license or permit five years after the date of the revocation. The**
85 **person may be issued a new license or permit at the discretion of the**
86 **division of alcohol and tobacco control. If the division denies the**
87 **request for a new permit or license, the person may not submit a new**
88 **application for five years from the date of the denial. If the application**
89 **is approved, the person shall pay all fees required by law for the**

90 **license or permit. Any person whose request for a new license or**
91 **permit is denied may seek a determination by the administrative**
92 **hearing commission as provided under section 311.691.**

311.205. 1. Any person licensed to sell liquor at retail by the drink for
2 consumption on the premises where sold may use a [table tap dispensing] **self-**
3 **dispensing** system [to allow], **which is monitored and controlled by the**
4 **licensee and allows** patrons of the licensee to [dispense] **self-dispense** beer
5 [at a table] **or wine**. Before a patron may dispense beer **or wine**, an employee
6 of the licensee must first authorize an amount of beer **or wine**, not to exceed
7 thirty-two ounces **of beer or sixteen ounces of wine** per patron per
8 authorization, to be dispensed by the [table tap dispensing] **self-dispensing**
9 system.

10 2. No provision of law or rule or regulation of the supervisor shall be
11 interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating
12 liquor to furnish [table tap dispensing] **self-dispensing** or cooling equipment or
13 provide services for the maintenance, sanitation, or repair of [table tap
14 dispensing] **self-dispensing** systems.

311.298. When January first, **February fourteenth**, March seventeenth,
2 July fourth, or December thirty-first falls on Sunday, and on the Sundays prior
3 to Memorial Day and Labor Day and on the Sunday on which the national
4 championship game of the national football league is played, commonly known as
5 "Super Bowl Sunday", any person having a license to sell intoxicating liquor by
6 the drink may be open for business and sell intoxicating liquor by the drink under
7 the provisions of his license on that day from the time and until the time which
8 would be lawful on another day of the week, notwithstanding any provisions of
9 section 311.290 or any other provision of law to the contrary.

311.950. 1. Notwithstanding any provision of law to the contrary,
2 **entertainment facilities including, but not limited to, arenas and**
3 **stadiums used primarily for concerts, shows, and sporting events of any**
4 **kind and entities selling concessions at such facilities that possess all**
5 **necessary and valid licenses and permits to allow for the sale of**
6 **alcoholic beverages shall not be prohibited from selling and delivering**
7 **alcoholic beverages purchased through the use of mobile applications**
8 **to individuals attending events on the premises of such facilities if the**
9 **facilities are in compliance with all applicable state laws and**
10 **regulations regarding the sale of alcoholic beverages.**

11 2. For purposes of this section, the term "mobile application"
12 shall mean a computer program or software designed to be used on
13 hand-held mobile devices such as cellular phones and tablet computers.

14 3. Any employee of a facility or entity selling concessions at a
15 facility who delivers an alcoholic beverage purchased through a mobile
16 application to an individual shall require the individual to show a
17 valid, government-issued identification document that includes the
18 photograph and birth date of the individual, such as a driver's license,
19 and shall verify that the individual is twenty-one years of age or older
20 before the individual is allowed possession of the alcoholic beverage.

21 4. The division of alcohol and tobacco control may promulgate
22 rules to implement the provisions of this section. Any rule or portion
23 of a rule, as that term is defined in section 536.010, that is created
24 under the authority delegated in this section shall become effective
25 only if it complies with and is subject to all of the provisions of chapter
26 536 and, if applicable, section 536.028. This section and chapter 536 are
27 nonseverable, and if any of the powers vested with the general
28 assembly pursuant to chapter 536 to review, to delay the effective date,
29 or to disapprove and annul a rule are subsequently held
30 unconstitutional, then the grant of rulemaking authority and any rule
31 proposed or adopted after August 28, 2016, shall be invalid and void.

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