

SECOND REGULAR SESSION

HOUSE BILL NO. 2497

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

4939H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 311.680 and 311.868, RSMo, and to enact in lieu thereof one new section relating to the manufacture or distillation of liquor, with penalty provisions.

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

Section A. Sections 311.680 and 311.868, RSMo, are repealed and one new section
2 enacted in lieu thereof, to be known as section 311.680, to read as follows:

311.680. 1. Whenever it shall be shown, or whenever the supervisor of [~~liquor~~]
2 **alcohol and tobacco** control has knowledge, that a person licensed hereunder has not at all
3 times kept an orderly place or house, or has violated any of the provisions of this chapter, the
4 supervisor of [~~liquor~~] **alcohol and tobacco** control may warn, place on probation on such
5 terms and conditions as the supervisor of [~~liquor~~] **alcohol and tobacco** control deems
6 appropriate for a period not to exceed twelve months, suspend or revoke the license of that
7 person, but the person shall have ten days' notice of the application to warn, place on
8 probation, suspend or revoke the person's license prior to the order of warning, probation,
9 revocation or suspension issuing.

10 2. Any wholesaler licensed pursuant to this chapter in lieu of, or in addition to, the
11 warning, probation, suspension or revocation authorized in subsection 1 of this section, may
12 be assessed a civil penalty **or fine** by the supervisor of [~~liquor~~] **alcohol and tobacco** control
13 of not less than one hundred dollars or more than twenty-five hundred dollars for each
14 violation.

15 3. Any solicitor licensed pursuant to this chapter in lieu of the suspension or
16 revocation authorized in subsection 1 of this section may be assessed a civil penalty or fine by

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.

17 the supervisor of ~~[liquor]~~ **alcohol and tobacco** control of not less than one hundred dollars
18 nor more than five thousand dollars for each violation.

19 4. Any retailer with less than five thousand occupant capacity licensed pursuant to
20 this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section
21 may be assessed a civil penalty or fine by the supervisor of ~~[liquor]~~ **alcohol and tobacco**
22 control of not less than fifty dollars nor more than one thousand dollars for each violation.
23 **For purposes of this subsection, a retailer shall include any license issued under sections**
24 **311.185 and 311.420.**

25 5. Any retailer with five thousand or more occupant capacity licensed pursuant to this
26 chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may
27 be assessed a civil penalty or fine by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control
28 of not less than fifty dollars nor more than five thousand dollars for each violation.

29 6. **Any person who manufactures or distills intoxicating liquor in this state shall**
30 **be subject only to the penalty provisions in this subsection with regard only to its**
31 **manufacturer's or distiller's license, notwithstanding the provisions in subsection 1 of**
32 **this section or any other provision within this chapter containing a penalty provision.**
33 **Any manufacturer or distiller licensed pursuant to this chapter that violates a provision**
34 **of law contained in this chapter, or any rule or regulation promulgated thereto, may be**
35 **given a warning or be assessed a civil penalty or fine by the supervisor of alcohol and**
36 **tobacco control of not less than five hundred dollars and not more than fifty thousand**
37 **dollars for each violation.**

38 7. Any aggrieved person may appeal to the administrative hearing commission in
39 accordance with section 311.691.

40 ~~[7-]~~ 8. In order to encourage the early resolution of disputes between the supervisor of
41 ~~[liquor]~~ **alcohol and tobacco** control and licensees, the supervisor of ~~[liquor]~~ **alcohol and**
42 **tobacco** control, prior to issuing an order of warning, probation, revocation, suspension, or
43 fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of
44 ~~[liquor]~~ **alcohol and tobacco** control, or his or her designee, concerning the alleged
45 violations. At least ten days prior to such meeting or conference, the supervisor shall provide
46 the licensee with notice of the time and place of such meeting or conference, and the
47 supervisor of ~~[liquor]~~ **alcohol and tobacco** control shall also provide the licensee with a
48 written description of the specific conduct for which discipline is sought, a citation of the law
49 or rules allegedly violated, and, upon request, copies of any violation report or any other
50 documents which are the basis for such action. Any order of warning, probation, revocation,
51 suspension, or fine shall be effective no sooner than thirty days from the date of such order.

2 ~~[311.868. 1. Notwithstanding the provisions of section 311.070,~~
~~311.550, or 311.600, or any other provision within this chapter containing a~~

3 ~~penalty provision, any person who shall manufacture or distill intoxicating~~
4 ~~liquor in this state shall be subject only to the penalty provision of subsection 2~~
5 ~~of this section with regard only to its manufacturer's or distiller's license rather~~
6 ~~than the general or specific penalty provisions of the other provisions within~~
7 ~~this chapter, or any rule or regulation promulgated pursuant thereto. Such~~
8 ~~manufacturer or distiller shall not be subject to any other form of punishment~~
9 ~~with regard to its manufacturer's or distiller's license.~~
10 ~~2. Any person as defined by subsection 1 of this section violating a~~
11 ~~provision of law contained in this chapter, or any rule or regulation~~
12 ~~promulgated pursuant thereto, shall be fined for the first offense, ten~~
13 ~~thousand dollars; for the second offense, twenty five thousand dollars; and~~
14 ~~for the third and subsequent offenses, fifty thousand dollars.]~~

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