

SECOND REGULAR SESSION

# SENATE BILL NO. 987

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time January 27, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6193S.011

## AN ACT

To repeal sections 311.176, 311.178, and 311.179, RSMo, and to enact in lieu thereof three new sections relating to intoxicating liquor.

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

Section A. Sections 311.176, 311.178, and 311.179, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 311.176,  
3 311.178, and 311.179, to read as follows:

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

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

16 (2) The business is a resort. For purposes of this section, a "resort" is  
17 defined as any establishment having at least sixty rooms for the overnight  
18 accommodation of transient guests and having a restaurant located on the

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

19 premises.

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

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

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

17           (2) The business is a resort. For purposes of this subsection, a "resort" is  
18 defined as any establishment having at least sixty rooms for the overnight  
19 accommodation of transient guests and having a restaurant located on the  
20 premises.

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

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

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

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

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

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

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

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

311.179. 1. Any person possessing the qualifications and meeting the

2 requirements of this chapter who is licensed to sell intoxicating liquor by the  
3 drink at retail in an international airport located in a county with a charter form  
4 of government and with more than nine hundred fifty thousand inhabitants may  
5 apply to the supervisor of liquor control for a special permit. The permit shall  
6 allow the premises located in the international airport in such county to open at  
7 4 a.m. and sell intoxicating liquor by the drink at retail for consumption on the  
8 premises where sold. The provisions of this section [and not those of section  
9 311.097] regarding the time of opening shall apply to the sale of intoxicating  
10 liquor by the drink at retail for consumption on the premises where sold on  
11 Sunday.

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

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Bill

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