

SENATE BILL 855

By Tate

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, relative to authorizing the issuance of licenses to sell alcoholic beverages for consumption on the premises of certain facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following language as a new, appropriately designated, subdivision:

( ) "Live music entertainment":

(A) Means live musical performances on a stage by a musician or group of musicians that play an instrument or instruments at the facility, before an audience, with or without vocalizations;

(B) Includes one (1) or more human voices singing "a cappella," live on a stage before an audience at a live music venue; and

(C) Does not include:

(i) The reproduction of pre-recorded music by a disc jockey or any other reproduction of pre-recorded music by any other means, unless accompanied by one (1) or more musicians playing an instrument or instruments in person on stage at a live music venue; and

(ii) One (1) or more persons singing, speaking, or otherwise using the human voice while accompanied by pre-recorded music, such as performances commonly known as "karaoke";

( ) "Live music venue":

(A) Means an enclosed interior facility that is primarily designed and used for live music entertainment; and

(B) Is equipped with adequate toilet facilities and hand washing facilities, including hot and cold running water, for use by customers;

SECTION 2. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Live music venue...\$4,000

SECTION 3. Tennessee Code Annotated, Section 57-4-301(b)(2), is amended by adding the following language at the end of the subdivision:

The privilege tax collected by the county or municipality shall be one thousand dollars (\$1,000) for a live music venue as defined in § 57-4-102.

SECTION 4. Tennessee Code Annotated, Section 57-4-201(b)(1), is amended by adding the language “or live music venue as defined in § 57-4-102,” immediately after the language “or of a sports authority facility as defined in § 57-4-102,”.

SECTION 5. Tennessee Code Annotated, Section 57-4-201(b), is further amended by adding the following language as a new, appropriately designated subdivision:

(4)

(A) If a license has been issued to an establishment as a restaurant or limited service restaurant pursuant to § 57-4-102, and such licensee desires to exchange its license for a license as a live music venue, the commission may issue the establishment a license as a live music venue in accordance with this section upon the filing of an application by the licensee for the issuance of a license as a live music venue, together with the payment of the application fee required pursuant to § 57-4-301(b)(1) and a sworn statement indicating applicant complies with the requirements of a live music venue, and, if approved, paying the license fee, or the prorated difference between its restaurant or limited service restaurant license fee and the live music venue license fee, if any.

(B) If the commission finds that any restaurant or limited service restaurant fails to satisfy the requirements of § 57-4-102 as a restaurant or

limited service restaurant, but would otherwise qualify as a live music venue, such establishment shall be permitted thirty (30) days following such finding to elect to exchange its license for a live music venue license, upon the filing of an application by the licensee for the issuance of a license as a live music venue, together with the payment of the application fee required pursuant to § 57-4-301(b)(1) and a sworn statement indicating applicant complies with the requirements of a live music venue, and, if approved, paying the license fee, or the prorated difference between its restaurant or limited service restaurant license fee and the live music venue license fee, if any.

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it.