

SECOND REGULAR SESSION

HOUSE BILL NO. 2028

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

5079H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor control.

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

Section A. Section 311.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.060, to read as follows:

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, **except as otherwise provided under subsection 6 of this section**, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked **unless such person has received a new license or permit under subsection 6 of this section**, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director,

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.

18 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of
19 the stock of such corporation, or other financial interest therein, or ten percent or more of the
20 interest in the business for which the person, partnership or corporation is licensed, or any person
21 employed in the business licensed under this law shall have had a license revoked under this law
22 **unless such person has received a new license or permit under subsection 6 of this section,**
23 or shall have been convicted of violating the provisions of any law applicable to the manufacture
24 or sale of intoxicating liquor since the ratification of the twenty-first amendment to the
25 Constitution of the United States, or shall not be a person of good moral character.

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

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

34 3. A "resident corporation" is defined to be a corporation incorporated under the laws
35 of this state, all the officers and directors of which, and all the stockholders, who legally and
36 beneficially own or control sixty percent or more of the stock in amount and in voting rights,
37 shall be qualified legal voters and taxpaying citizens of the county and municipality in which
38 they reside and who shall have been bona fide residents of the state for a period of three years
39 continuously immediately prior to the date of filing of application for a license, provided that a
40 stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall
41 own, legally and beneficially, at least sixty percent of all the financial interest in the business to
42 be licensed under this law; provided, that no corporation, licensed under the provisions of this
43 law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed
44 on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of
45 Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new
46 requirements herein, except corporations engaged in the manufacture of alcoholic beverages
47 containing alcohol in excess of five percent by weight, or owned or controlled, directly or
48 indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of
49 alcoholic beverages containing alcohol in excess of five percent by weight.

50 4. The term "financial interest" as used in this chapter is defined to mean all interest,
51 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such
52 interest in the net profits of the enterprise, after the payment of reasonable and necessary
53 operating business expenses and taxes, including interest in dividends, preferred dividends,

54 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest
55 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned
56 or otherwise made available to the enterprise, except by way of ordinary commercial credit or
57 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether
58 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any
59 other form whatsoever.

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

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

69 **7. Any person whose license or permit issued under this chapter has been revoked**
70 **shall be eligible to apply and be qualified for a new license or permit five years after the**
71 **date of the revocation. The person may be issued a new license or permit at the discretion**
72 **of the division of alcohol and tobacco control. If the division denies the request for a new**
73 **permit or license, the person may not submit a new application for five years from the date**
74 **of the denial. If the application is approved, the person shall pay all fees required by law**
75 **for the license or permit. Any person whose request for a new license or permit is denied**
76 **may seek a determination by the administrative hearing commission as provided under**
77 **section 311.691.**

✓