

SECOND REGULAR SESSION

SENATE BILL NO. 615

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time January 5, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4817S.011

AN ACT

To repeal sections 311.087, 311.090, 311.093, 311.097, 311.098, 311.102, 311.104, 311.293, and 311.481, RSMo, and to enact in lieu thereof two new sections relating to sales of intoxicating liquor on Sundays.

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

Section A. Sections 311.087, 311.090, 311.093, 311.097, 311.098, 311.102, 2 311.104, 311.293, and 311.481, RSMo, are repealed and two new sections enacted 3 in lieu thereof, to be known as sections 311.090 and 311.293, to read as follows:

311.090. 1. Any person who possesses the qualifications required by this 2 chapter, and who meets the requirements of and complies with the provisions of 3 this chapter, and the ordinances, rules and regulations of the incorporated city 4 in which such licensee proposes to operate his business, may apply for, and the 5 supervisor of liquor control may issue, a license to sell intoxicating liquor, as 6 defined in this chapter, by the drink at retail for consumption on the premises 7 described in the application; provided, that no license shall be issued for the sale 8 of intoxicating liquor, other than malt liquor containing alcohol not in excess of 9 five percent by weight, and light wines containing not in excess of fourteen 10 percent of alcohol by weight made exclusively from grapes, berries and other 11 fruits and vegetables, by the drink at retail for consumption on the premises 12 where sold to any person other than a charitable, fraternal, religious, service or 13 veterans' organization which has obtained an exemption from the payment of 14 federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 15 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue 16 Code of 1954, as amended, in any incorporated city having a population of less 17 than nineteen thousand five hundred inhabitants, until the sale of such

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

18 intoxicating liquor, by the drink at retail for consumption on the premises where
19 sold, shall have been authorized by a vote of the majority of the qualified voters
20 of the city. Such authority shall be determined by an election to be held in those
21 cities having a population of less than nineteen thousand five hundred
22 inhabitants as determined by the last preceding federal decennial census, under
23 the provisions and methods set out in this chapter. Once such licenses are issued
24 in a city with a population of at least nineteen thousand five hundred
25 inhabitants, any subsequent loss of population shall not require the qualified
26 voters of such a city to approve the sale of such intoxicating liquor prior to the
27 issuance or renewal of such licenses. No license shall be issued for the sale of
28 intoxicating liquor, other than malt liquor containing alcohol not in excess of five
29 percent by weight, and light wines containing not in excess of fourteen percent
30 of alcohol by weight made exclusively from grapes, berries and other fruits and
31 vegetables, by the drink at retail for consumption on the premises where sold,
32 outside the limits of such incorporated cities unless the licensee is a charitable,
33 fraternal, religious, service or veterans' organization which has obtained an
34 exemption from the payment of federal income taxes as provided in section
35 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d)
36 of the United States Internal Revenue Code of 1954, as amended.

37 2. [Notwithstanding any other provisions of this chapter to the contrary,
38 any charitable, fraternal, religious, service or veterans' organization which has
39 obtained an exemption from the payment of federal income taxes as provided in
40 section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or
41 501(d) of the United States Internal Revenue Code of 1954, as amended, may
42 apply for, and the supervisor of liquor control may issue, a license to sell
43 intoxicating liquor, as defined in this chapter, between the hours of 9:00 a.m. on
44 Sunday and midnight on Sunday by the drink at retail for consumption on the
45 premises described in the application. The authority for the collection of fees by
46 cities and counties as provided in section 311.220, and all other laws and
47 regulations of the state relating to the sale of liquor by the drink for consumption
48 on the premises where sold, shall apply to organizations licensed under this
49 subsection in the same manner as they apply to establishments licensed under
50 subsection 1 of this section and sections 311.085 and 311.095. In addition to all
51 other fees required by law, an organization licensed under this section shall pay
52 an additional fee of two hundred dollars a year payable at the same time and in
53 the same manner as its other license fees.

54 3.] If any charitable, fraternal, religious, service, or veterans' organization
55 has a license to sell intoxicating liquor on its premises pursuant to this section
56 and such premises includes two or more buildings in close proximity, such permit
57 shall be valid for the sale of intoxicating liquor at any such building.

 311.293. 1. [Notwithstanding the provisions of any law to the contrary,]
2 **Except for any establishment that may apply for a license under section**
3 **311.089**, any person possessing the qualifications and meeting the requirements
4 of this chapter, who is licensed to sell intoxicating liquor [in the original package]
5 at retail [pursuant to section 311.200], may apply to the supervisor of alcohol and
6 tobacco control for a special license to sell intoxicating liquor [in the original
7 package] at retail between the hours of 9:00 a.m. and midnight on Sundays. A
8 licensee under this section shall pay to the director of revenue an additional fee
9 of two hundred dollars a year payable at the same time and in the same manner
10 as its other license fees.

11 2. In addition to any fee collected pursuant to section 311.220, a city or
12 county may charge and collect an additional fee not to exceed three hundred
13 dollars from any licensee under this section for the privilege of selling
14 intoxicating liquor [in the original package] at retail between the hours of 9:00
15 a.m. and midnight on Sundays in such city or county; however the additional fee
16 shall not exceed the fee charged by that city or county for a special license issued
17 pursuant to any provision of this chapter which allows a licensee to sell
18 intoxicating liquor by the drink for consumption on the premises of the licensee
19 on Sundays.

20 **3. The provisions of this section regarding the time of closing**
21 **shall not apply to any person who possesses a special permit issued**
22 **under sections 311.174, 311.176, or 311.178.**

23 **4. In any county with a charter form of government and with**
24 **more than six hundred thousand but fewer than seven hundred**
25 **thousand inhabitants, any restaurant bar licensed under the provisions**
26 **of this section which is located on the grounds of a sports stadium**
27 **primarily used for professional sporting events may sell intoxicating**
28 **liquor by the drink at retail for consumption within the premises of the**
29 **restaurant bar on Sunday between the hours of 8:00 a.m. and 12:00**
30 **midnight notwithstanding the hours of limitation set forth in**
31 **subsection 1 of this section. The term "restaurant bar" means any**
32 **establishment having a restaurant or similar facility on the premises**

33 **at least fifty percent of the gross income of which is derived from the**
34 **sale of prepared meals or food consumed on such premises or which**
35 **has an annual gross income of at least two hundred thousand dollars**
36 **from the sale of prepared meals or food consumed on such premises.**

[311.087. Notwithstanding any other provisions of this
2 chapter to the contrary, any person who possesses the
3 qualifications required by this chapter and who meets the
4 requirements of and complies with the provisions of this chapter
5 may apply for, and the supervisor of alcohol and tobacco control
6 may issue, a license to sell intoxicating liquor by the drink at retail
7 for consumption on the premises of any wine shop, as defined in
8 this section, between the hours of 10:00 a.m. on Sunday and 10:00
9 p.m. on Sunday. As used in this section, the term "wine shop"
10 means any establishment that uses automated wine dispensing
11 equipment to dispense wine tastings by the glass at retail for
12 consumption on the premises where sold, so long as at least fifty
13 percent of the total sales of the wine shop are from package sales. In
14 addition to all other fees required by law, an applicant granted a
15 special license under this section shall pay an additional fee of two
16 hundred dollars a year payable at the time and in the same
17 manner as its other license fees.]

[311.093. Notwithstanding any other law to the contrary,
2 any dance ballroom that is at least fifty years old, located in a
3 business district of a city not within a county, with a seating
4 capacity of at least six hundred persons, and with a dance floor of
5 at least four thousand eight hundred square feet may apply to the
6 supervisor of liquor control for a special license to sell intoxicating
7 liquor by the drink at retail on the premises between the hours of
8 11:00 a.m. and midnight on Sundays. In addition to all other fees
9 required by law, an applicant granted a special license under this
10 section shall pay an additional fee of two hundred dollars a year
11 payable at the time and in the same manner as its other license
12 fees.]

[311.097. 1. Notwithstanding any other provisions of this
2 chapter to the contrary, any person who possesses the
3 qualifications required by this chapter, and who now or hereafter

4 meets the requirements of and complies with the provisions of this
5 chapter, may apply for, and the supervisor of control may issue, a
6 license to sell intoxicating liquor, as in this chapter defined,
7 between the hours of 9:00 a.m. on Sunday and midnight on Sunday
8 by the drink at retail for consumption on the premises of any
9 restaurant bar as described in the application or on the premises
10 of any establishment having at least forty rooms for the overnight
11 accommodations of transient guests. As used in this section, the
12 term "restaurant bar" means any establishment having a
13 restaurant or similar facility on the premises at least fifty percent
14 of the gross income of which is derived from the sale of prepared
15 meals or food consumed on such premises or which has an annual
16 gross income of at least two hundred thousand dollars from the
17 sale of prepared meals or food consumed on such premises.

18 2. The authority for the collection of fees by cities and
19 counties as provided in section 311.220, and all other laws and
20 regulations of the state relating to the sale of liquor by the drink
21 for consumption on the premises where sold, shall apply to a
22 restaurant bar or on the premises of any establishment having at
23 least forty rooms for the overnight accommodations of transient
24 guests in the same manner as they apply to establishments
25 licensed under sections 311.085, 311.090 and 311.095, and in
26 addition to all other fees required by law, a restaurant bar or on
27 the premises of any establishment having at least forty rooms for
28 the overnight accommodations of transient guests shall pay an
29 additional fee of two hundred dollars a year payable at the same
30 time and in the same manner as its other license fees.

31 3. Any new restaurant bar having been in operation for less
32 than ninety days may be issued a temporary license to sell
33 intoxicating liquor by the drink at retail for consumption on the
34 premises between the hours of 9:00 a.m. and midnight on Sunday
35 for a period not to exceed ninety days if the restaurant bar can
36 show a projection of annual business from prepared meals or food
37 consumed on the premises of at least fifty percent of the total gross
38 income of the restaurant bar for the year or can show a projection
39 of annual business from prepared meals or food consumed on the

40 premises which would exceed not less than two hundred thousand
41 dollars. The license fee shall be prorated for the period of the
42 temporary license based on the cost of the annual license for the
43 establishment.

44 4. In counties of the first class having a charter form of
45 government and which contain all or a part of a city having a
46 population of at least three hundred fifty thousand, any restaurant
47 bar licensed under the provisions of this section which is located on
48 the grounds of a sports stadium primarily used for professional
49 sporting events may sell intoxicating liquor by the drink at retail
50 for consumption within the premises of the restaurant bar on
51 Sunday between the hours of 8:00 a.m. and 12:00 midnight
52 notwithstanding the hours of limitation set forth in subsection 1 of
53 this section.

54 5. The provisions of this section regarding the time of
55 closing shall not apply to any person who possesses a special
56 permit issued under section 311.174, 311.176, or 311.178.]

[311.098. 1. Notwithstanding any other provisions of this
2 chapter to the contrary, any person who possesses the
3 qualifications required by this chapter, and who now or hereafter
4 meets the requirements of and complies with the provisions of this
5 chapter, may apply for, and the supervisor of alcohol and tobacco
6 control may issue, a license to sell intoxicating liquor, as defined
7 in this chapter, between the hours of 9:00 a.m. and midnight on
8 Sunday by the drink at retail for consumption on the premises of
9 any amusement place as described in the application. As used in
10 this section the term "amusement place" means any establishment
11 whose business building contains a square footage of at least six
12 thousand square feet, and where games of skill commonly known
13 as billiards, volleyball, indoor golf, bowling or soccer are usually
14 played, or has a dance floor of at least two thousand five hundred
15 square feet, or any outdoor golf course with a minimum of nine
16 holes, and which has annual gross receipts of at least one hundred
17 thousand dollars of which at least fifty thousand dollars of such
18 gross receipts is in nonalcoholic sales.

19 2. The authority for the collection of fees by cities and

20 counties as provided in section 311.220, and all other laws and
21 regulations of the state relating to the sale of liquor by the drink
22 for consumption on the premises where sold, shall apply to an
23 amusement place in the same manner as they apply to
24 establishments licensed under sections 311.085, 311.090 and
25 311.095, and in addition to all other fees required by law, an
26 amusement place shall pay an additional fee of two hundred dollars
27 a year payable at the same time and in the same manner as its
28 other fees.

29 3. Any new amusement place having been in operation for
30 less than ninety days may be issued a temporary license to sell
31 intoxicating liquor by the drink at retail for consumption on the
32 premises between the hours of 9:00 a.m. and midnight on Sunday
33 for a period not to exceed ninety days if the amusement place can
34 show a projection of gross receipts of at least one hundred thousand
35 dollars of which at least fifty thousand dollars of such gross
36 receipts are in nonalcoholic sales for the first year of
37 operation. The license fee shall be prorated for the period of the
38 temporary license based on the cost of the annual license for the
39 establishment.]

2 [311.102. 1. Notwithstanding any other provisions of this
3 chapter to the contrary, any person who possesses the
4 qualifications required by this chapter, and who meets the
5 requirements of and complies with the provisions of this chapter
6 may apply for, and the supervisor of alcohol and tobacco control
7 may issue, a license to sell intoxicating liquor by the drink at retail
8 for consumption on the premises of any place of entertainment, as
9 defined in this section, between the hours of 9:00 a.m. on Sunday
10 and midnight on Sunday. As used in this section, the term "place
11 of entertainment" means any establishment located in a city not
12 within a county or in a county of the first classification having a
13 charter form of government with a population of at least nine
14 hundred thousand or more inhabitants or in a county of the first
15 classification having a charter form of government containing any
16 portion of a city with a population of three hundred eighty
thousand or more or in any city with a population of three hundred

17 eighty thousand or more which is located in more than one county
18 which has gross annual sales in excess of two hundred fifty
19 thousand dollars and the establishment has been in operation for
20 at least one year.

21 2. The authority for the collection of fees by cities and
22 counties as provided in section 311.220, and all other laws and
23 regulations of the state relating to the sale of liquor by the drink
24 for consumption on the premises where sold, shall apply to a place
25 of entertainment in the same manner as they apply to
26 establishments licensed pursuant to sections 311.085, 311.090, and
27 311.095, and in addition to all other fees required by law, a place
28 of entertainment shall pay an additional fee of two hundred dollars
29 a year payable at the same time and in the same manner as its
30 other license fees.]

[311.104. 1. Notwithstanding any other provisions of this
2 chapter to the contrary, any person who possesses the
3 qualifications required by this chapter and who meets the
4 requirements of and complies with the provisions of this chapter
5 may apply for, and the supervisor of alcohol and tobacco control
6 may issue, a license to sell intoxicating liquor by the drink at retail
7 for consumption on the premises of any place of entertainment, as
8 defined in this section, between the hours of 9:00 a.m. on Sunday
9 and midnight on Sunday. As used in this section, the term "place
10 of entertainment" means any establishment located in a county
11 with a charter form of government and with more than two
12 hundred fifty thousand but fewer than three hundred fifty
13 thousand inhabitants which has gross annual sales in excess of one
14 hundred fifty thousand dollars and the establishment has been in
15 operation for at least one year.

16 2. The authority for the collection of fees by cities and
17 counties as provided in section 311.220, and all other laws and
18 regulations of the state relating to the sale of liquor by the drink
19 for consumption on the premises where sold, shall apply to a place
20 of entertainment in the same manner as they apply to
21 establishments licensed pursuant to sections 311.085, 311.090, and
22 311.095, and in addition to all other fees required by law, a place

23 of entertainment shall pay an additional fee of two hundred dollars
24 a year payable at the same time and in the same manner as its
25 other license fees.]

[311.481. 1. Notwithstanding any other provisions of this
2 chapter to the contrary, any person who possesses the
3 qualifications required by this chapter, and who now or hereafter
4 meets the requirements of and complies with the provisions of this
5 chapter, may apply for, and the supervisor of liquor control may
6 issue, a license to sell intoxicating liquor, as defined in this
7 chapter, by the drink between the hours of 11:00 a.m. on Sunday
8 and midnight on Sunday at retail for consumption on the premises
9 of any airline club as described in the application. As used in this
10 section, the term "airline club" shall mean an establishment located
11 within an international airport and owned, leased, or operated by
12 or on behalf of an airline, as a membership club and special
13 services facility for passengers of such airline.

14 2. The authority for the collection of fees by cities and
15 counties as provided in section 311.220, and all other laws and
16 regulations of the state relating to the sale of liquor by the drink
17 for consumption on the premises where sold, shall apply to each
18 airline club in the same manner as they apply to establishments
19 licensed pursuant to sections 311.085, 311.090 and 311.095, and in
20 addition to all other fees required by law, a person licensed
21 pursuant to this section shall pay an additional fee of two hundred
22 dollars a year payable at the same time and in the same manner
23 as its other fees; except that the requirements other than fees
24 pertaining to the sale of liquor by the drink on Sunday shall not
25 apply.]

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