

FIRST REGULAR SESSION

HOUSE BILL NO. 530

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNEIDER.

Read 1st time January 23, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1574L.011

AN ACT

To repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to sale of liquor.

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

Section A. Section 311.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.178, to read as follows:

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

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

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.

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

17 2. Any person possessing the qualifications and meeting the requirements of this chapter
18 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises
19 in a county of the third classification without a township form of government having a
20 population of more than twenty-three thousand five hundred but less than twenty-three thousand
21 six hundred inhabitants, a county of the third classification without a township form of
22 government having a population of more than nineteen thousand three hundred but less than
23 nineteen thousand four hundred inhabitants or a county of the first classification without a charter
24 form of government with a population of at least thirty-seven thousand inhabitants but not more
25 than thirty-seven thousand one hundred inhabitants, may apply to the supervisor of liquor control
26 for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the
27 following day. The time of opening on Sunday may be 11:00 a.m. The provisions of this section
28 and not those of section 311.097 regarding the time of closing shall apply to the sale of
29 intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The
30 applicant shall meet all of the following conditions:

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

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

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

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

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

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

55 [6. The enactment of subsections 2, 3, and 4 of this section shall terminate January 1,
56 2007.]

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