

SECOND REGULAR SESSION

HOUSE BILL NO. 1752

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON GRAY.

4652L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.176 and 311.178, RSMo, and to enact in lieu thereof two new sections relating to liquor control.

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

Section A. Sections 311.176 and 311.178, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 311.176 and 311.178, to read as follows:

311.176. 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 city not located within a county, may apply to the supervisor of alcohol and tobacco 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 9:00 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. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the city and the applicant must 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

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

(3) **The business is a charitable, fraternal, religious, service, or veterans' organization which has obtained an exemption from the payment of federal income taxes**

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 **as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),**
19 **501(c)(19), or 501(d) of the United States Internal Revenue Code of 1986, as amended.**

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

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

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

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; or

17 (3) **The business is a charitable, fraternal, religious, service, or veterans'**
18 **organization which has obtained an exemption from the payment of federal income taxes**
19 **as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),**
20 **501(c)(19), or 501(d) of the United States Internal Revenue Code of 1986, as amended.**

21 2. Any person possessing the qualifications and meeting the requirements of this chapter
22 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises
23 in a county of the third classification without a township form of government having a
24 population of more than twenty-three thousand five hundred but less than twenty-three thousand
25 six hundred inhabitants, a county of the third classification without a township form of
26 government having a population of more than nineteen thousand three hundred but less than
27 nineteen thousand four hundred inhabitants or a county of the first classification without a charter
28 form of government with a population of at least thirty-seven thousand inhabitants but not more
29 than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and
30 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of
31 the morning of the following day. The time of opening on Sunday may be 9:00 a.m. The

32 provisions of this section and not those of section 311.097 regarding the time of closing shall
33 apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on
34 Sunday. The applicant shall meet all of the following conditions:

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

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

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

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

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

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

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