

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1692
91ST GENERAL ASSEMBLY

Reported from the Committee on Tourism, Recreation and Cultural Affairs, March 14, 2002, with recommendation that the House Committee Substitute for House Bill No. 1692 Do Pass.

Taken up for Perfection April 8, 2002. House Committee Substitute for House Bill No. 1692 ordered Perfected and printed.

TED WEDEL, Chief Clerk

3606L.03P

AN ACT

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

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Section A. Section 311.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.178, to read as follows: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 [first class] 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 [must] **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 [must] **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 this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

50 [2.] 4. An applicant granted a special permit [under] **pursuant to** this section shall, in
51 addition to all other fees required by this chapter, pay an additional fee of three hundred dollars
52 a year payable at the time and in the same manner as its other license fees.

53 [3.] 5. The provisions of this section allowing for extended hours of business shall not
54 apply in any incorporated area wholly located in any [first class] county **of the first**
55 **classification** having a charter form of government which does not contain all or part of a city
56 with a population of over three hundred thousand inhabitants until the governing body of such
57 incorporated area shall have by ordinance or order adopted the extended hours authorized by this
58 section.