

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 165, Page 1, In the Title, Lines 2-3, by
2 deleting the phrase "the advertisement of alcohol prices" and inserting in lieu thereof the word
3 "alcohol"; and
4

5 Further amend said substitute and page, Section 311.067, Line 12, by inserting after all of said line
6 the following:

7 "311.176. 1. Any person possessing the qualifications and meeting the requirements of this
8 chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the
9 premises in a city not located within a county, may apply to the supervisor of alcohol and tobacco
10 control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of
11 the following day. The time of opening on Sunday may be 9:00 a.m. The provisions of this section
12 and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating
13 liquor by the drink at retail for consumption on the premises on Sunday. To qualify for such a
14 permit, the premises of such an applicant must be located in an area which has been designated as a
15 convention trade area by the governing body of the city and the applicant must meet at least one of
16 the following conditions:

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

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

22 (3) The business is a charitable, fraternal, religious, service, or veterans' organization which
23 has obtained an exemption from the payment of federal income taxes as provided in section
24 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United
25 States Internal Revenue Code of 1986, as amended.

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

29 311.178. 1. Any person possessing the qualifications and meeting the requirements of this
30 chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the
31 premises in a county of the first classification having a charter form of government and not
32 containing all or part of a city with a population of over three hundred thousand may apply to the
33 supervisor of alcohol and tobacco control for a special permit to remain open on each day of the
34 week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be
35 9:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of
36 closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the

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1 premises on Sunday. The premises of such an applicant shall be located in an area which has been
2 designated as a convention trade area by the governing body of the county and the applicant shall
3 meet at least one of the following conditions:

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

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

9 (3) The business is a charitable, fraternal, religious, service, or veterans' organization which
10 has obtained an exemption from the payment of federal income taxes as provided in section
11 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United
12 States Internal Revenue Code of 1986, as amended.

13 2. Any person possessing the qualifications and meeting the requirements of this chapter
14 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a
15 county of the third classification without a township form of government having a population of
16 more than twenty-three thousand five hundred but less than twenty-three thousand six hundred
17 inhabitants, a county of the third classification without a township form of government having a
18 population of more than nineteen thousand three hundred but less than nineteen thousand four
19 hundred inhabitants or a county of the first classification without a charter form of government with
20 a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one
21 hundred inhabitants may apply to the supervisor of alcohol and tobacco control for a special permit
22 to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The
23 time of opening on Sunday may be 9:00 a.m. The provisions of this section and not those of section
24 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at
25 retail for consumption on the premises on Sunday. The applicant shall meet all of the following
26 conditions:

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

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

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

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

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

46 5. The provisions of this section allowing for extended hours of business shall not apply in
47 any incorporated area wholly located in any county of the first classification having a charter form of
48 government which does not contain all or part of a city with a population of over three hundred

1 thousand inhabitants until the governing body of such incorporated area shall have by ordinance or
2 order adopted the extended hours authorized by this section.

3 311.200. 1. No license shall be issued for the sale of intoxicating liquor in the original
4 package, not to be consumed upon the premises where sold, except to a person engaged in, and to be
5 used in connection with, the operation of one or more of the following businesses: a drug store, a
6 cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen
7 store, nor to any such person who does not have and keep in his store a stock of goods having a value
8 according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors.
9 Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall
10 any original package be opened on the premises of the vendor except as otherwise provided in this
11 law. For every license for sale at retail in the original package, the licensee shall pay to the director
12 of revenue the sum of one hundred dollars per year.

13 2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight by
14 grocers and other merchants and dealers in the original package direct to consumers but not for
15 resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be
16 required. The phrase "original package" shall be construed and held to refer to any package
17 containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the provisions of
18 section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail
19 between the hours of 9:00 a.m. and [midnight] 10:00 p.m. on Sunday.

20 3. For every license issued for the sale of malt liquor at retail by drink for consumption on
21 the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per
22 year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this
23 subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

24 4. For every license issued for the sale of malt liquor and light wines containing not in excess
25 of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and
26 vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay
27 to the director of revenue the sum of fifty dollars per year.

28 5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the
29 drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue
30 the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the
31 original package.

32 6. For every license issued to any railroad company, railway sleeping car company operated
33 in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for
34 consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per
35 year. A duplicate of such license shall be posted in every car where such beverage is sold or served,
36 for which the licensee shall pay a fee of one dollar for each duplicate license.

37 7. All applications for licenses shall be made upon such forms and in such manner as the
38 supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum
39 prescribed by this section for such license shall be paid to the director of revenue.

40 311.290. 1. No person having a license issued pursuant to this chapter, nor any employee of
41 such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any
42 quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30
43 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to
44 sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this
45 section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30
46 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor
47 by the drink are held by clubs, hotels, or bowling alleys, this section shall apply only to the room or
48 rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or

1 bowling alleys whose business is conducted in one room only, then the licensee shall keep securely
 2 locked during the hours and on the days specified in this section all refrigerators, cabinets, cases,
 3 boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a
 4 place where all doors are locked and where no patrons are in the place or about the premises. Any
 5 person violating any provision of this section shall be deemed guilty of a class A misdemeanor.
 6 Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor
 7 during any of the hours or on any of the days specified in this section by a wholesaler licensed under
 8 the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail. This
 9 subsection shall not apply to any retail business, as defined in subsection 2 of this section, that sells
 10 intoxicating liquor in the original package to be consumed off the premises where sold.

11 2. No retail business having a license issued under this chapter shall sell intoxicating liquor
 12 in the original package to be consumed off the premises where sold between the hours of 10:00 p.m.
 13 and 6:00 a.m. on weekdays and between the hours of 10:00 p.m. Saturday and 6:00 a.m. Monday.
 14 As used in this section, "retail business" means any drug store, cigar and tobacco store, grocery store,
 15 general merchandise store, or confectionary or delicatessen store.

16 311.293. 1. Except for any establishment that may apply for a license under section 311.089,
 17 any person possessing the qualifications and meeting the requirements of this chapter, who is
 18 licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and tobacco
 19 control for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and
 20 midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional
 21 fee of two hundred dollars a year payable at the same time and in the same manner as its other
 22 license fees. This subsection shall not apply to any retail business, as defined in subsection 2 of
 23 section 311.290, that sells intoxicating liquor in the original package to be consumed off the
 24 premises where sold.

25 2. In addition to any fee collected pursuant to section 311.220, a city or county may charge
 26 and collect an additional fee not to exceed three hundred dollars from any licensee under this section
 27 for the privilege of selling intoxicating liquor at retail between the hours of 9:00 a.m. and midnight
 28 on Sundays in such city or county; however the additional fee shall not exceed the fee charged by
 29 that city or county for a special license issued pursuant to any provision of this chapter which allows
 30 a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on
 31 Sundays. This subsection shall not apply to any retail business, as defined in subsection 2 of section
 32 311.290, that sells intoxicating liquor in the original package to be consumed off the premises where
 33 sold.

34 3. Notwithstanding any provisions of law, a retail business, as defined in subsection 2 of
 35 section 311.290, possessing the qualifications and meeting the requirements of this chapter, who is
 36 licensed to sell intoxicating liquor in the original package at retail for consumption off the premises
 37 where sold, may apply to the supervisor of alcohol and tobacco control for a special license to sell
 38 such intoxicating liquor at retail between the hours of 9:00 a.m. and 10:00 p.m. on Sundays. A
 39 licensee under this section shall pay to the director of revenue an additional fee of two hundred
 40 dollars a year payable at the same time and in the same manner as its other license fees. In addition
 41 to any fee collected under section 311.220, a city or county may charge and collect an additional fee
 42 not to exceed three hundred dollars from any licensee under this subsection for the privilege of
 43 selling intoxicating liquor at retail between the hours of 9:00 a.m. and 10:00 p.m. on Sundays in such
 44 city or county.

45 4. The provisions of this section regarding the time of closing shall not apply to any person
 46 who possesses a special permit issued under section 311.174, 311.176, or 311.178."; and

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 48 Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.