

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 299
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, March 1, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 13, 2007.

Taken up March 13, 2007. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

1526S.02P

AN ACT

To repeal section 311.178, RSMo, and to enact in lieu thereof one new section relating to special liquor permits for resorts.

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Section A. Section 311.178, RSMo, is repealed and one new section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

14 (1) The business establishment's annual gross sales for the year

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

15 immediately preceding the application for extended hours equals one hundred
16 fifty thousand dollars or more; or

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

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

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

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

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

51 provisions of subsection 3 of this section.

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

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

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

67 6. The enactment of subsections 2, 3, and 4 of this section shall terminate
68 January 1, [2007] **2010**.

Unofficial
Bill
Copy