

SECOND REGULAR SESSION

# HOUSE BILL NO. 1261

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), VOGT, SMITH (118), LOWE,  
JOHNSON (47), YATES, JONES AND VILLA (Co-sponsors).

Read 1<sup>st</sup> time January 26, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3855L.01I

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### AN ACT

To repeal sections 311.095 and 311.097, RSMo, and to enact in lieu thereof two new sections relating to Sunday alcohol sales.

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

Section A. Sections 311.095 and 311.097, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 311.095 and 311.097, to read as follows:

311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, any  
2 person who possesses the qualifications required by this chapter, and who now or hereafter meets  
3 the requirements of and complies with the provisions of this chapter, may apply for, and the  
4 supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this  
5 chapter, by the drink at retail for consumption on the premises of any resort as described in the  
6 application. As used in this section the term "resort" means any establishment having at least  
7 thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar  
8 facility on the premises at least [sixty] **thirty** percent of the gross income of which is derived  
9 from the sale of prepared meals or food, or means a restaurant provided with special space and  
10 accommodations where, in consideration of payment, food, without lodging, is habitually  
11 furnished to travelers and customers, and which restaurant establishment's annual gross receipts  
12 immediately preceding its application for a license shall not have been less than seventy-five  
13 thousand dollars per year with at least fifty thousand dollars of such gross receipts from  
14 nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in  
15 subsection 2 of this section. Any facility which is owned and operated as a part of the resort may

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

16 be used to sell intoxicating liquor by the drink for consumption on the premises of such facility  
17 and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any  
18 facility which is a part of the resort meets such requirement, such requirement shall be deemed  
19 met for any other facility which is a part of the resort.

20         2. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment  
21 and which is open for business eight or fewer consecutive months in any calendar year. [Fifty]  
22 **Thirty** percent of all gross sales of such restaurant shall be sales of prepared meals. Any new  
23 seasonal resort restaurant establishment having been in operation for less than twelve weeks may  
24 be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on  
25 the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment  
26 can show a projection for annualized gross sales of which [fifty] **thirty** percent shall be sales of  
27 prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect  
28 the period of operation of the seasonal resort restaurant. The license shall be valid only during  
29 the period for which application was made and for which the fee was paid. Any seasonal resort  
30 restaurant upon resuming business for its season of operation shall not be considered a new  
31 establishment for purposes of issuing a temporary license. Nothing in this subsection shall  
32 prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment  
33 of fees, and compliance with the requirements of this chapter.

34         3. The times for opening and closing the establishments as fixed in section 311.290, the  
35 authority for the collection of fees by counties as provided in section 311.220, and all other laws  
36 and regulations of the state relating to the sale of liquor by the drink for consumption on the  
37 premises where sold shall apply to resorts in the same manner as they apply to establishments  
38 licensed under section 311.090.

39         4. Any new resort or restaurant establishment having been in operation for less than  
40 ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for  
41 consumption on the premises for a period not to exceed ninety days if the resort or restaurant  
42 establishment can show a projection of an annual gross receipts of not less than seventy-five  
43 thousand dollars per year with at least fifty thousand dollars of such gross receipts from  
44 nonalcoholic sales. The license fee shall be prorated for the period of the temporary license  
45 based on the cost of the annual license for the establishment.

311.097. 1. Notwithstanding any other provisions of this chapter to the contrary, any  
2 person who possesses the qualifications required by this chapter, and who now or hereafter meets  
3 the requirements of and complies with the provisions of this chapter, may apply for, and the  
4 supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined,  
5 between the hours of 9:00 a.m. on Sunday and midnight on Sunday by the drink at retail for  
6 consumption on the premises of any restaurant bar as described in the application or on the

7 premises of any establishment having at least forty rooms for the overnight accommodations of  
8 transient guests. As used in this section, the term "restaurant bar" means any establishment  
9 having a restaurant or similar facility on the premises at least [fifty] **thirty** percent of the gross  
10 income of which is derived from the sale of prepared meals or food consumed on such premises  
11 or which has an annual gross income of at least two hundred thousand dollars from the sale of  
12 prepared meals or food consumed on such premises.

13         2. The authority for the collection of fees by cities and counties as provided in section  
14 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink  
15 for consumption on the premises where sold, shall apply to a restaurant bar or on the premises  
16 of any establishment having at least forty rooms for the overnight accommodations of transient  
17 guests in the same manner as they apply to establishments licensed under sections 311.085,  
18 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar or on the  
19 premises of any establishment having at least forty rooms for the overnight accommodations of  
20 transient guests shall pay an additional fee of two hundred dollars a year payable at the same time  
21 and in the same manner as its other license fees.

22         3. Any new restaurant bar having been in operation for less than ninety days may be  
23 issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on  
24 the premises between the hours of 9:00 a.m. and midnight on Sunday for a period not to exceed  
25 ninety days if the restaurant bar can show a projection of annual business from prepared meals  
26 or food consumed on the premises of at least [fifty] **thirty** percent of the total gross income of  
27 the restaurant bar for the year or can show a projection of annual business from prepared meals  
28 or food consumed on the premises which would exceed not less than two hundred thousand  
29 dollars. The license fee shall be prorated for the period of the temporary license based on the  
30 cost of the annual license for the establishment.

31         4. In counties [of the first class] having a charter form of government and which contain  
32 all or a part of a city having a population of at least three hundred fifty thousand, any restaurant  
33 bar licensed under the provisions of this section which is located on the grounds of a sports  
34 stadium primarily used for professional sporting events may sell intoxicating liquor by the drink  
35 at retail for consumption within the premises of the restaurant bar on Sunday between the hours  
36 of 8:00 a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in subsection  
37 1 of this section.

38         5. The provisions of this section regarding the time of closing shall not apply to any  
39 person who possesses a special permit issued under section 311.174, 311.176, or 311.178.