

SECOND REGULAR SESSION

# HOUSE BILL NO. 2141

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DOUGHERTY.

Read 1st time February 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4976L.01I

---

### AN ACT

To repeal section 311.060, 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Section A. Section 311.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.060, to read as follows:

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director,

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.

16 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of  
17 the stock of such corporation, or other financial interest therein, or ten percent or more of the  
18 interest in the business for which the person, partnership or corporation is licensed, or any person  
19 employed in the business licensed under this law shall have had a license revoked under this law  
20 or shall have been convicted of violating the provisions of any law applicable to the manufacture  
21 or sale of intoxicating liquor since the ratification of the twenty-first amendment to the  
22 Constitution of the United States, or shall not be a person of good moral character.

23 (2) [No license issued under this chapter or chapter 312, RSMo, shall be denied,  
24 suspended, revoked or otherwise affected based solely on the fact that an employee of the  
25 licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor  
26 so long as any such employee does not directly participate in retail sales of intoxicating liquor.  
27 Each employer shall report the identity of any employee convicted of a felony to the division of  
28 liquor control. The division of liquor control shall promulgate rules to enforce the provisions  
29 of this subdivision.

30 (3)] No wholesaler license shall be issued to a corporation for the sale of intoxicating  
31 liquor containing alcohol in excess of five percent by weight, except to a resident corporation  
32 as defined in this section.

33 3. A "resident corporation" is defined to be a corporation incorporated under the laws  
34 of this state, all the officers and directors of which, and all the stockholders, who legally and  
35 beneficially own or control sixty percent or more of the stock in amount and in voting rights,  
36 shall be qualified legal voters and taxpaying citizens of the county and municipality in which  
37 they reside and who shall have been bona fide residents of the state for a period of three years  
38 continuously immediately prior to the date of filing of application for a license, provided that a  
39 stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall  
40 own, legally and beneficially, at least sixty percent of all the financial interest in the business to  
41 be licensed under this law; provided, that no corporation, licensed under the provisions of this  
42 law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed  
43 on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of  
44 Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new  
45 requirements herein, except corporations engaged in the manufacture of alcoholic beverages  
46 containing alcohol in excess of five percent by weight, or owned or controlled, directly or  
47 indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of  
48 alcoholic beverages containing alcohol in excess of five percent by weight.

49 4. The term "financial interest" as used in this chapter is defined to mean all interest,  
50 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such  
51 interest in the net profits of the enterprise, after the payment of reasonable and necessary

52 operating business expenses and taxes, including interest in dividends, preferred dividends,  
53 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest  
54 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned  
55 or otherwise made available to the enterprise, except by way of ordinary commercial credit or  
56 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether  
57 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any  
58 other form whatsoever.

59         5. The supervisor shall by regulation require all applicants for licenses to file written  
60 statements, under oath, containing the information reasonably required to administer this section.  
61 Statements by applicants for licenses as wholesalers and retailers shall set out, with other  
62 information required, full information concerning the residence of all persons financially  
63 interested in the business to be licensed as required by regulation. All material changes in the  
64 information filed shall be promptly reported to the supervisor.

✓