

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2421**  
**94TH GENERAL ASSEMBLY**

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Reported from the Special Committee on Job Creation and Economic Development April 23, 2008 with recommendation that House Committee Substitute for House Bill No. 2421 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5473L.03C

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**AN ACT**

To amend chapter 311, RSMo, by adding thereto one new section relating to liquor licenses for certain festival districts, with penalty provisions.

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

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be known as section 311.489, to read as follows:

**311.489. 1. A permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, RSMo, for consumption on premises where sold, and to conduct specified festival events, may be issued to any festival district, located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area where pedestrian access is controlled and that is closed to vehicle traffic, provided that the permit is held by a promotional association. A "promotional association" is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed district.**

**2. The promotional association may obtain a permit if the promotional association submits a plan to the governing body of the city containing basic information, which includes the legal description of the district and the common area within which such**

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.

15 festivals shall be held, the name, address, and responsible person of each business  
16 participating in the promotional association, the specific calendar of events for the district  
17 which shall not exceed twenty such events and shall include the dates and times of any such  
18 events, a description of the proposed festival activities including any proposed public street  
19 closures if applicable, proof of adequate insurance, and a detailed description of security  
20 for any proposed festivals. Such permit shall cost three hundred dollars per year. Such  
21 plan may be amended during the year subject to governing municipality approval.

22       3. Prior to submitting a plan to the governing body of the city, the promotional  
23 association shall provide notice of its intent to apply for a festival district permit and  
24 conduct a public hearing on the plan. If any business owner, property owner, or resident  
25 within the boundaries of the common area of the event do not approve in the public  
26 hearing of any proposed event, or the proposed plan of events, the promotional association  
27 shall obtain written approval of such event or plan from seventy-five percent of the  
28 property owners, business owners, and residents within the district. If the plan is  
29 approved, the promotional association may conduct the events described in the plan and  
30 may sell liquor for consumption within the district common areas between 9:00 a.m. and  
31 1:00 a.m. on Monday through Saturday and between 11:00 a.m. and 12:00 a.m. on Sunday  
32 and in accordance with any additional time constraints stated in such plan. Such  
33 promotional association may permit customers to leave an establishment within the district  
34 after purchasing an alcoholic beverage and consume the beverage in the district common  
35 areas or another licensed establishment within the district. No person shall be allowed to  
36 take any alcoholic beverage outside the boundaries of the festival district.

37       4. If participating in a promotional association event, every bar, nightclub,  
38 restaurant, promotional association, or other entertainment venue that serves alcoholic  
39 beverages within the festival district shall use disposable paper, plastic, or foam cups or  
40 other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant,  
41 promotional association, or other entertainment venue sells within the festival district  
42 boundaries for consumption in the district common area.

43       5. If minors are allowed to enter the festival district, which shall be clearly stated  
44 in the festival district's approved plan, the applicant shall ensure that such minors are  
45 easily distinguished from persons of legal age and any approved plan shall include the  
46 method by which this provision shall be satisfied.

47       6. The holder of the permit is solely responsible for any alcohol violations occurring  
48 within the common areas. For any violation of this chapter or of any rule or regulation of  
49 the supervisor of alcohol and tobacco control, the promotional association may be assessed  
50 a civil fine of not more than five thousand dollars. If a promotional association is found

51 to be responsible for such violations at three separate events, then such promotional  
52 association shall not seek approval for subsequent plans without the prior written consent  
53 of the supervisor of alcohol and tobacco control. The promotional association's then  
54 current plan shall be deemed terminated, and the businesses participating in the  
55 promotional association's events shall not participate in activities permitted by subsection  
56 3 of this section without prior written consent from the supervisor of alcohol and tobacco  
57 control.

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