

SECOND REGULAR SESSION

HOUSE BILL NO. 2429

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUNTER.

Read 1st time March 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5475L.01I

AN ACT

To repeal section 311.086, RSMo, and to enact in lieu thereof one new section relating to sale of intoxicating liquor in entertainment districts, with a penalty provision.

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

Section A. Section 311.086, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.086, to read as follows:

311.086. 1. As used in this section, the following terms mean:

(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

(2) "Entertainment district", any area located in a home rule city with more than four hundred thousand inhabitants and located in more than one county with a population of at least four thousand inhabitants that:

(a) Is located in the city's central business district which is the historic core locally known as the city's downtown area;

(b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants;

and

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.

14 (c) Is designated as a redevelopment area by the governing body of the city under and
15 pursuant to the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060,
16 RSMo;

17 (3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and
18 can be moved from place to place;

19 (4) "Promotional association", an association, incorporated in the state of Missouri,
20 which is organized or authorized by one or more property owners located within the
21 entertainment district, who own or otherwise control not less than one hundred thousand square
22 feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants,
23 and other entertainment venues, for the purpose of organizing and promoting activities within
24 the entertainment district. For purposes of determining ownership or control as set forth in this
25 subdivision, the square footage of premises used for residential, office or retail uses, (other than
26 bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels
27 within the entertainment district shall not be used in the calculation of square footage.

28 2. Notwithstanding any other provisions of this chapter to the contrary, any person acting
29 on behalf of or designated by a promotional association, who possesses the qualifications
30 required by this chapter, and who meets the requirements of and complies with the provisions
31 of this chapter, **including the approval of a permit by the governing body of the city as**
32 **stated in subsection 3 of this section**, may apply for, and the supervisor of alcohol and tobacco
33 control may issue, an entertainment district special license to sell intoxicating liquor by the drink
34 for retail for consumption dispensed from one or more portable bars within the common areas
35 of the entertainment district [until 3:00 a.m. on Mondays through Saturdays and from 9:00 a.m.
36 until 12:00 midnight on Sundays] **to conduct specified festival events.**

37 3. **The promotional association may obtain a permit if the promotional association**
38 **submits a plan to the governing body of the city containing basic information, which**
39 **includes the legal description of the district and the common area within which such**
40 **festivals shall be held, the name, address, and responsible person for each business**
41 **participating in the promotional association, the specific calendar of events for the district**
42 **and shall include the dates and times of any such events, a description of the proposed**
43 **festival activities including any proposed public street closures if applicable, proof of**
44 **adequate insurance, and a detailed description of security for any proposed festivals. Such**
45 **plan may be amended during the year subject to governing municipality approval.**

46 4. **If the plan is approved, the promotional association may conduct the events**
47 **described in the plan and may sell liquor for consumption within the district common**
48 **areas. Such liquor sales may only occur between 9:00 a.m. and 1:00 a.m. on Monday**

49 **through Saturday and between 11:00 a.m. and 12:00 a.m. on Sunday and in accordance**
50 **with any additional time constraints stated in such plan.**

51 **5.** An applicant granted an entertainment district special license under this section shall
52 pay a license fee of three hundred dollars per year.

53 [4. Notwithstanding any other provision of this chapter to the contrary, on such days and
54 at such times designated by the promotional association, in its sole discretion, provided such
55 times are during the hours a license is allowed under this chapter to sell alcoholic beverages,]

56 **6. During specified festival events,** the promotional association may allow persons to
57 leave licensed establishments, located in portions of the entertainment district designated by the
58 promotional association, with an alcoholic beverage and enter upon and consume the alcoholic
59 beverage within other licensed establishments and common areas located in portions of the
60 entertainment district designated by the promotional association. No person shall take any
61 alcoholic beverage or alcoholic beverages outside the boundaries of the entertainment district
62 or portions of the entertainment district as designated by the promotional association, in its sole
63 discretion. At times when a person is allowed to consume alcoholic beverages dispensed from
64 portable bars and in common areas of all or any portion of the entertainment district designated
65 by the promotional association, the promotional association must and shall ensure that minors
66 can be easily distinguished from persons of legal age buying alcoholic beverages **and any**
67 **approved plan shall include the methods by which this provision shall be satisfied.**

68 [5.] **7.** Every licensee within the entertainment district must and shall serve alcoholic
69 beverages in containers that display and contain the licensee's trade name or logo or some other
70 mark that is unique to that license and licensee.

71 [6.] **8.** The holder of an entertainment district special license is solely responsible for
72 alcohol violations occurring at its portable bar and in any common area. **For any violation of**
73 **this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control,**
74 **the promotional association may be assessed a civil fine of not more than five thousand**
75 **dollars. If a promotional association is found to be responsible for such violations at three**
76 **separate events, then such promotional association shall not seek approval for subsequent**
77 **plans without the prior written consent of the supervisor of alcohol and tobacco control.**
78 **The promotional association's then current plan shall be deemed terminated, and the**
79 **business participating in the promotional association's events shall not participate in**
80 **activities permitted by subsection 3 of this section without prior written consent from the**
81 **supervisor of alcohol and tobacco control.**

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