

Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SCS HB 101

entitled:

AN ACT

To repeal section 311.297, RSMo, and to enact in lieu thereof two new sections relating to liquor control.

WITH SA 1, 2

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler

Terry L. Spieler
Secretary of the Senate

MAY 04 2011

SENATE AMENDMENT NO. 1Offered by McKenna of JeffersonAmend SCS/House Bill No. 101, Page 2, Section 311.297, Line 36,

2 by inserting after all of said line the following:

3 "311.482. 1. Notwithstanding any other provision of this
4 chapter, a permit for the sale of all kinds of intoxicating
5 liquor [as defined in section 311.020], including intoxicating
6 liquor in the original package, at retail by the drink for
7 consumption on the premises [where sold] of the licensee may be
8 issued to any church, school, civic, service, fraternal, veteran,
9 political, or charitable club or organization for the sale of
10 such intoxicating liquor at a picnic, bazaar, fair, or similar
11 gathering. The permit shall be issued only for the day or days
12 named therein and it shall not authorize the sale of intoxicating
13 liquor for more than seven days by any such club or organization.

14
15 2. To secure the permit, the applicant shall complete a
16 form provided by the supervisor, but no applicant shall be
17 required to furnish a personal photograph as part of the
18 application. The applicant shall pay a fee of twenty-five
19 dollars for such permit.

20 3. If the event will be held on a Sunday, the permit shall
21 authorize the sale of intoxicating liquor on that day beginning

*offered 5-4-11
point - of - order 5-4-11
pas. not well taken 5-4-11
adapted 5-4-11*

1 at 11:00 a.m.

2 4. At the same time that an applicant applies for a permit
3 under the provisions of this section, the applicant shall notify
4 the director of revenue of the holding of the event and by such
5 notification, by certified mail, shall accept responsibility for
6 the collection and payment of any applicable sales tax. Any
7 sales tax due shall be paid to the director of revenue within
8 fifteen days after the close of the event, and failure to do so
9 shall result in a liability of triple the amount of the tax due
10 plus payment of the tax, and denial of any other permit for a
11 period of three years. Under no circumstances shall a bond be
12 required from the applicant.

13 5. No provision of law or rule or regulation of the
14 supervisor shall be interpreted as preventing any wholesaler or
15 distributor from providing customary storage, cooling or
16 dispensing equipment for use by the permit holder at such picnic,
17 bazaar, fair or similar gathering.

18 311.485. 1. The supervisor of liquor control may issue a
19 temporary permit to caterers and other persons holding licenses
20 to sell intoxicating liquor, including intoxicating liquor in the
21 original package, by the drink at retail for consumption on the
22 premises pursuant to the provisions of this chapter who furnish
23 provisions and service for use at a particular function, occasion
24 or event at a particular location other than the licensed
25 premises, but not including a festival as defined in chapter 316.
26 The temporary permit shall be effective for a period not to
27 exceed one hundred sixty-eight consecutive hours, and shall
28 authorize the service of alcoholic beverages at such function,
29 occasion or event during the hours at which alcoholic beverages

1 may lawfully be sold or served upon premises licensed to sell
2 alcoholic beverages for on-premises consumption. For every
3 permit issued pursuant to the provisions of this section, the
4 permittee shall pay to the director of revenue the sum of ten
5 dollars for each calendar day, or fraction thereof, for which the
6 permit is issued.

7 2. Except as provided in subsection 3 of this section, all
8 provisions of the liquor control law and the ordinances, rules
9 and regulations of the incorporated city, or the unincorporated
10 area of any county, in which is located the premises in which
11 such function, occasion or event is held shall extend to such
12 premises and shall be in force and enforceable during all the
13 time that the permittee, its agents, servants, employees, or
14 stock are in such premises. [Except for Missouri-produced wines
15 in the original package, the provisions of this section shall not
16 include the sale of packaged goods covered by this temporary
17 permit.]

18 3. Notwithstanding any other law to the contrary, any
19 caterer who possesses a valid state and valid local liquor
20 license may deliver alcoholic beverages in the course of his or
21 her catering business. A caterer who possesses a valid state and
22 valid local liquor license need not obtain a separate license for
23 each city the caterer delivers in, so long as such city permits
24 any caterer to deliver alcoholic beverages within the city.

25 4. To assure and control product quality, wholesalers may,
26 but shall not be required to, give a retailer credit for
27 intoxicating liquor with an alcohol content of less than five
28 percent by weight delivered and invoiced under the catering
29 permit number, but not used, if the wholesaler removes the

1 product within seventy-two hours of the expiration of the
2 catering permit issued pursuant to this section.

3 311.486. 1. The supervisor of alcohol and tobacco control
4 may issue a special license to caterers and other persons holding
5 licenses to sell intoxicating liquor, including intoxicating
6 liquor in the original package, by the drink at retail for
7 consumption on the premises pursuant to the provisions of this
8 chapter who furnish provisions and service for use at a
9 particular function, occasion, or event at a particular location
10 other than the licensed premises, but not including a festival as
11 defined in chapter 316. The special license shall be effective
12 for a maximum of fifty days during any year, and shall authorize
13 the service of alcoholic beverages at such function, occasion, or
14 event during the hours at which alcoholic beverages may lawfully
15 be sold or served upon premises licensed to sell alcoholic
16 beverages for on-premises consumption. For every special license
17 issued pursuant to the provisions of this subsection, the
18 licensee shall pay to the director of revenue the sum of five
19 hundred dollars a year payable at the same time and in the same
20 manner as its other license fees.

21 2. The supervisor of alcohol and tobacco control may issue
22 a special license to caterers and other persons holding licenses
23 to sell intoxicating liquor by the drink at retail for
24 consumption on the premises pursuant to the provisions of this
25 chapter who furnish provisions and service for use at a
26 particular function, occasion, or event at a particular location
27 other than the licensed premises, but not including a festival as
28 defined in chapter 316. The special license shall be effective
29 for an unlimited number of functions during the year, and shall

1 authorize the service of alcoholic beverages at such function,
2 occasion, or event during the hours at which alcoholic beverages
3 may lawfully be sold or served upon premises licensed to sell
4 alcoholic beverages for on-premises consumption. For every
5 special license issued pursuant to the provisions of this
6 subsection, the licensee shall pay to the director of revenue the
7 sum of one thousand dollars a year payable at the same time and
8 in the same manner as its other license fees.

9 3. Caterers issued a special license pursuant to
10 subsections 1 and 2 of this section shall report to the
11 supervisor of alcohol and tobacco control the location of each
12 function three business days in advance. The report of each
13 function shall include permission from the property owner and
14 city, description of the premises, and the date or dates the
15 function will be held.

16 4. Except as provided in subsection 5 of this section, all
17 provisions of the liquor control law and the ordinances, rules
18 and regulations of the incorporated city, or the unincorporated
19 area of any county, in which is located the premises in which
20 such function, occasion, or event is held shall extend to such
21 premises and shall be in force and enforceable during all the
22 time that the licensee, its agents, servants, employees, or stock
23 are in such premises. [Except for wines in the original package,
24 the provisions of this section shall not include the sale of
25 packaged goods covered by this special license.]

26 5. Notwithstanding any other law to the contrary, any
27 caterer who possesses a valid state and valid local liquor
28 license may deliver alcoholic beverages, in the course of his or
29 her catering business. A caterer who possesses a valid state and

1 valid local liquor license need not obtain a separate license for
2 each city the caterer delivers in, so long as such city permits
3 any caterer to deliver alcoholic beverages within the city.

4 6. To assure and control product quality, wholesalers may,
5 but shall not be required to, give a retailer credit for
6 intoxicating liquor with an alcohol content of less than five
7 percent by weight delivered and invoiced under the catering
8 license number, but not used, if the wholesaler removes the
9 product within seventy-two hours of the expiration of the
10 catering function."; and

11 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by Justus of 1044Amend SCS/House Bill No. 101, Page 1, Section 311.087, Line 16,

2 by inserting after all of said line the following:

3 "311.088. Any person possessing the qualifications and
4 meeting the requirements of this chapter who is licensed to sell
5 intoxicating liquor by the drink at retail for consumption on the
6 premises in a home rule city with more than four hundred thousand
7 inhabitants and located in more than one county may be issued a
8 special permit by the state and such city. Notwithstanding the
9 provisions of 311.089 to the contrary, the special permit issued
10 under this section shall allow the licensed premises to sell
11 intoxicating liquor from 6:00 a.m. until 3:00 a.m. on the morning
12 of the following day within one twenty-four hour period. Any
13 person granted a special permit under this section shall only be
14 authorized to receive up to six such special permits from the
15 city in a calendar year."; and

16 Further amend the title and enacting clause accordingly.
17

offered 5-4-11
adopted 5-4-11

