

SECOND REGULAR SESSION

SENATE BILL NO. 835

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 8, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4586S.011

AN ACT

To repeal sections 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof eleven new sections relating to extended hours for the sale of intoxicating liquor, with existing penalty provisions.

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

Section A. Sections 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 2 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, are repealed and eleven 3 new sections enacted in lieu thereof, to be known as sections 311.089, 311.096, 4 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 5 311.710, to read as follows:

311.089. Any establishment possessing or qualifying for a license to sell 2 intoxicating liquor by the drink at retail in any city not within a county, any 3 home rule city with more than four hundred thousand inhabitants and located in 4 more than one county and if such establishment is also located in a resort area, 5 convention trade area, or enterprise zone area, the establishment may apply for 6 a Sunday by-the-drink license between the hours of [9:00] **6:00** a.m. [and 7 midnight] on [Sunday] **Sundays and 1:30 a.m. on Mondays**. The license fee 8 for such Sunday by-the-drink license shall be six hundred dollars per year. The 9 license fee shall be prorated for the period of the license based on the cost of the 10 annual license for the establishment.

311.096. 1. As used in this section, the term "common eating and 2 drinking area" means an area or areas within a building or group of buildings

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 designated for the eating of food and drinking of liquor sold at retail by
4 establishments which do not provide areas within their premises for the
5 consumption of food and liquor; where the costs of maintaining such area or areas
6 are shared by the payment of common area maintenance charges, as provided in
7 the respective leases permitting the use of such areas, or otherwise; and where
8 the annual gross income from the sale of prepared meals or food consumed in
9 such common eating and drinking area is, or is projected to be, at least two
10 hundred seventy-five thousand dollars.

11 2. Notwithstanding any other provisions of this chapter to the contrary,
12 any person who possesses the qualifications required by this chapter, or who now
13 or hereafter meets the requirements of and complies with the provisions of this
14 chapter, may apply for, and the supervisor of liquor control may issue, a license
15 to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for
16 consumption on the premises where sold but for consumption in a common eating
17 and drinking area, as described in the application for such license. In addition
18 to all other fees required by law, each establishment in a common eating and
19 drinking area licensed under this subsection shall pay to the director of revenue
20 the sum of three hundred dollars per year. The times for selling intoxicating
21 liquor as fixed in section 311.290, the authority for the collection of fees by
22 counties and cities as provided in section 311.220, and all other laws and
23 regulations of this state relating to the sale of intoxicating liquor by the drink
24 shall apply to each establishment licensed under this subsection in the same
25 manner as they apply to establishments licensed under sections 311.085 and
26 311.090.

27 3. Notwithstanding any other provisions of this chapter to the contrary,
28 any person who possesses the qualifications required by this chapter, and who
29 now or hereafter meets the requirements of and complies with the provisions of
30 this chapter, may apply for, and the supervisor of liquor control may issue, a
31 license to sell intoxicating liquor, as defined in this chapter, between the hours
32 of ~~[11:00]~~ **6:00** a.m. on ~~[Sunday]~~ **Sundays** and ~~[12:00 midnight]~~ **1:30 a.m.** on
33 ~~[Sunday]~~ **Mondays** by the drink at retail not for consumption on the premises
34 where sold but for consumption in a common eating and drinking area, as
35 described in the application for such license. In addition to all other fees
36 required by law, each establishment in a common eating and drinking area
37 licensed under this subsection shall pay an additional fee of two hundred dollars
38 a year payable at the same time and in the same manner as its other license fees.

39 4. Any person possessing the qualifications and meeting the requirements
40 of this chapter, who is licensed to sell intoxicating liquor by the drink at retail
41 not for consumption on the premises where sold but for consumption in a common
42 eating and drinking area, may apply to the supervisor of liquor control for a
43 special permit to remain open on all days of the week [except Sunday] between
44 the hours of 1:30 a.m. to 3:00 a.m. [The provisions of subsection 3 of this section
45 shall apply to the sale of intoxicating liquor by the drink at retail not for
46 consumption on the premises where sold but for consumption in a common eating
47 and drinking area on Sunday.] To qualify for such a permit, the premises of such
48 an applicant must be located in an area which has been designated as a
49 convention trade area by the governing body of the county or city. An applicant
50 granted a special permit under this section shall pay, in addition to all other fees
51 required by this chapter, an additional fee of three hundred dollars a year
52 payable at the time and in the same manner as its other license fees.

311.174. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a city with a population of at
4 least four thousand inhabitants which borders the Missouri River and also
5 borders a city with a population of over three hundred thousand inhabitants
6 located in at least three counties, in a city with a population of over three
7 hundred thousand which is located in whole or in part within a first class county
8 having a charter form of government or in a first class county having a charter
9 form of government which contains all or part of a city with a population of over
10 three hundred thousand inhabitants, may apply to the supervisor of alcohol and
11 tobacco control for a special permit to remain open on each day of the week until
12 3:00 a.m. of the morning of the following day; except that, an entity exempt from
13 federal income taxes under Section 501(c)(7) of the Internal Revenue Code of
14 1986, as amended, and located in a building designated as a National Historic
15 Landmark by the United States Department of the Interior may apply for a
16 license to remain open until 6:00 a.m. of the following day. The time of opening
17 on Sunday may be [9:00] **6:00** a.m. The provisions of this section and not those
18 of section [311.097] **311.293** regarding the time of closing shall apply to the sale
19 of intoxicating liquor by the drink at retail for consumption on the premises on
20 Sunday. When the premises of such an applicant is located in a city as defined
21 in this section, then the premises must be located in an area which has been
22 designated as a convention trade area by the governing body of the city. When

23 the premises of such an applicant is located in a county as defined in this section,
24 then the premises must be located in an area which has been designated as a
25 convention trade area by the governing body of the county.

26 2. An applicant granted a special permit under this section shall in
27 addition to all other fees required by this chapter pay an additional fee of three
28 hundred dollars a year payable at the time and in the same manner as its other
29 license fees.

30 3. The provisions of this section allowing for extended hours of business
31 shall not apply in any incorporated area wholly located in any first class county
32 having a charter form of government which contains all or part of a city with a
33 population of over three hundred thousand inhabitants until the governing body
34 of such incorporated area shall have by ordinance or order adopted the extended
35 hours authorized by this section.

311.176. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a city not located within a
4 county, may apply to the supervisor of alcohol and tobacco control for a special
5 permit to remain open on each day of the week until 3:00 a.m. of the morning of
6 the following day. The time of opening on Sunday may be [9:00] **6:00** a.m. The
7 provisions of this section and not those of section [311.097] **311.293** regarding the
8 time of closing shall apply to the sale of intoxicating liquor by the drink at retail
9 for consumption on the premises on Sunday. To qualify for such a permit, the
10 premises of such an applicant must be located in an area which has been
11 designated as a convention trade area by the governing body of the city and the
12 applicant must meet at least one of the following conditions:

13 (1) The business establishment's annual gross sales for the year
14 immediately preceding the application for extended hours equals one hundred
15 fifty thousand dollars or more; or

16 (2) The business is a resort. For purposes of this section, a "resort" is
17 defined as any establishment having at least sixty rooms for the overnight
18 accommodation of transient guests and having a restaurant located on the
19 premises.

20 2. An applicant granted a special permit pursuant to this section shall,
21 in addition to all other fees required by this chapter, pay an additional fee of
22 three hundred dollars a year payable at the time and in the same manner as its
23 other license fees.

311.178. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a county of the first
4 classification having a charter form of government and not containing all or part
5 of a city with a population of over three hundred thousand may apply to the
6 supervisor of alcohol and tobacco control for a special permit to remain open on
7 each day of the week until 3:00 a.m. of the morning of the following day. The
8 time of opening on Sunday may be [9:00] **6:00** a.m. The provisions of this section
9 and not those of section [311.097] **311.293** regarding the time of closing shall
10 apply to the sale of intoxicating liquor by the drink at retail for consumption on
11 the premises on Sunday. The premises of such an applicant shall be located in
12 an area which has been designated as a convention trade area by the governing
13 body of the county and the applicant shall meet at least one of the following
14 conditions:

15 (1) The business establishment's annual gross sales for the year
16 immediately preceding the application for extended hours equals one hundred
17 fifty thousand dollars or more; or

18 (2) The business is a resort. For purposes of this subsection, a "resort" is
19 defined as any establishment having at least sixty rooms for the overnight
20 accommodation of transient guests and having a restaurant located on the
21 premises.

22 2. Any person possessing the qualifications and meeting the requirements
23 of this chapter who is licensed to sell intoxicating liquor by the drink at retail for
24 consumption on the premises in a county of the third classification without a
25 township form of government having a population of more than twenty-three
26 thousand five hundred but less than twenty-three thousand six hundred
27 inhabitants, a county of the third classification without a township form of
28 government having a population of more than nineteen thousand three hundred
29 but less than nineteen thousand four hundred inhabitants or a county of the first
30 classification without a charter form of government with a population of at least
31 thirty-seven thousand inhabitants but not more than thirty-seven thousand one
32 hundred inhabitants may apply to the supervisor of alcohol and tobacco control
33 for a special permit to remain open on each day of the week until 3:00 a.m. of the
34 morning of the following day. The time of opening on Sunday may be [9:00] **6:00**
35 a.m. The provisions of this section and not those of section [311.097] **311.293**
36 regarding the time of closing shall apply to the sale of intoxicating liquor by the

37 drink at retail for consumption on the premises on Sunday. The applicant shall
38 meet all of the following conditions:

39 (1) The business establishment's annual gross sales for the year
40 immediately preceding the application for extended hours equals one hundred
41 thousand dollars or more;

42 (2) The business is a resort. For purposes of this subsection, a "resort" is
43 defined as any establishment having at least seventy-five rooms for the overnight
44 accommodation of transient guests, having at least three thousand square feet of
45 meeting space and having a restaurant located on the premises; and

46 (3) The applicant shall develop, and if granted a special permit shall
47 implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no
48 sale of intoxicating liquor shall be made except to guests with overnight
49 accommodations at the licensee's resort. The plan shall be subject to approval by
50 the supervisor of alcohol and tobacco control and shall provide a practical method
51 for the division of alcohol and tobacco control and other law enforcement agencies
52 to enforce the provisions of subsection 3 of this section.

53 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a
54 special permit issued pursuant to subsection 2 of this section, it shall be unlawful
55 for a licensee or any employee of a licensee to sell intoxicating liquor to or permit
56 the consumption of intoxicating liquor by any person except a guest with
57 overnight accommodations at the licensee's resort.

58 4. An applicant granted a special permit pursuant to this section shall,
59 in addition to all other fees required by this chapter, pay an additional fee of
60 three hundred dollars a year payable at the time and in the same manner as its
61 other license fees.

62 5. The provisions of this section allowing for extended hours of business
63 shall not apply in any incorporated area wholly located in any county of the first
64 classification having a charter form of government which does not contain all or
65 part of a city with a population of over three hundred thousand inhabitants until
66 the governing body of such incorporated area shall have by ordinance or order
67 adopted the extended hours authorized by this section.

311.179. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail in an international airport located in a county with a charter form
4 of government and with more than nine hundred fifty thousand inhabitants or in
5 a county of the first classification with more than eighty-three thousand but fewer

6 than ninety-two thousand inhabitants and with a city of the fourth classification
7 with more than four thousand five hundred but fewer than five thousand
8 inhabitants as the county seat may apply to the supervisor of alcohol and tobacco
9 control for a special permit which:

10 (1) Allows the premises located in the international airport in such county
11 to open at 4 a.m. and sell intoxicating liquor by the drink at retail for
12 consumption. The provisions of this section and not those of section [311.097]
13 **311.293** regarding the time of opening shall apply to the sale of intoxicating
14 liquor by the drink at retail for consumption on Sunday;

15 (2) Allows persons to leave licensed establishments with an alcoholic
16 beverage and enter other airport designated areas located within such airport. No
17 person shall take any alcoholic beverage or beverages outside such designated
18 areas, including onto any airplane; and

19 (3) Requires every licensee within such international airport to serve
20 alcoholic beverages in containers that display and contain the licensee's trade
21 name or logo or some other mark that is unique to that license and licensee.

22 2. An applicant granted a special permit pursuant to this section shall,
23 in addition to all other fees required by this chapter, pay an additional fee of
24 three hundred dollars a year payable at the time and in the same manner as its
25 other license fees.

311.200. 1. No license shall be issued for the sale of intoxicating liquor
2 in the original package, not to be consumed upon the premises where sold, except
3 to a person engaged in, and to be used in connection with, the operation of one
4 or more of the following businesses: a drug store, a cigar and tobacco store, a
5 grocery store, a general merchandise store, a confectionery or delicatessen store,
6 nor to any such person who does not have and keep in his store a stock of goods
7 having a value according to invoices of at least one thousand dollars, exclusive of
8 fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall
9 be consumed on the premises where sold nor shall any original package be opened
10 on the premises of the vendor except as otherwise provided in this law. For every
11 license for sale at retail in the original package, the licensee shall pay to the
12 director of revenue the sum of one hundred dollars per year.

13 2. For a permit authorizing the sale of malt liquor, as defined in section
14 311.490, by grocers and other merchants and dealers in the original package
15 direct to consumers but not for resale, a fee of fifty dollars per year payable to the
16 director of the department of revenue shall be required. The phrase "original

17 package" shall be construed and held to refer to any package containing one or
18 more standard bottles, cans, or pouches of beer. Notwithstanding the provisions
19 of section 311.290, any person licensed pursuant to this subsection may also sell
20 malt liquor at retail between the hours of [9:00] **6:00** a.m. [and midnight] on
21 [Sunday] **Sundays to 1:30 a.m. on Mondays.**

22 3. For every license issued for the sale of malt liquor, as defined in section
23 311.490, at retail by drink for consumption on the premises where sold, the
24 licensee shall pay to the director of revenue the sum of fifty dollars per
25 year. Notwithstanding the provisions of section 311.290, any person licensed
26 pursuant to this subsection may also sell malt liquor at retail between the hours
27 of 9:00 a.m. and midnight on Sunday.

28 4. For every license issued for the sale of malt liquor, as defined in section
29 311.490, and light wines containing not in excess of fourteen percent of alcohol
30 by weight made exclusively from grapes, berries and other fruits and vegetables,
31 at retail by the drink for consumption on the premises where sold, the licensee
32 shall pay to the director of revenue the sum of fifty dollars per year.

33 5. For every license issued for the sale of all kinds of intoxicating liquor,
34 at retail by the drink for consumption on premises of the licensee, the licensee
35 shall pay to the director of revenue the sum of three hundred dollars per year,
36 which shall include the sale of intoxicating liquor in the original package.

37 6. For every license issued to any railroad company, railway sleeping car
38 company operated in this state, for sale of all kinds of intoxicating liquor, as
39 defined in this chapter, at retail for consumption on its dining cars, buffet cars
40 and observation cars, the sum of one hundred dollars per year. A duplicate of
41 such license shall be posted in every car where such beverage is sold or served,
42 for which the licensee shall pay a fee of one dollar for each duplicate license.

43 7. All applications for licenses shall be made upon such forms and in such
44 manner as the supervisor of alcohol and tobacco control shall prescribe. No
45 license shall be issued until the sum prescribed by this section for such license
46 shall be paid to the director of revenue.

311.293. 1. Except for any establishment that may apply for a license
2 under section 311.089, any person possessing the qualifications and meeting the
3 requirements of this chapter, who is licensed to sell intoxicating liquor at retail,
4 may apply to the supervisor of alcohol and tobacco control for a special license to
5 sell intoxicating liquor at retail between the hours of [9:00] **6:00** a.m. [and
6 midnight] on Sundays **and 1:30 a.m. on Mondays.** A licensee under this

7 section shall pay to the director of revenue an additional fee of two hundred
8 dollars a year payable at the same time and in the same manner as its other
9 license fees.

10 2. In addition to any fee collected pursuant to section 311.220, a city or
11 county may charge and collect an additional fee not to exceed three hundred
12 dollars from any licensee under this section for the privilege of selling
13 intoxicating liquor at retail between the hours of [9:00] **6:00** a.m. [and midnight]
14 on Sundays **and 1:30 a.m. on Mondays** in such city or county; however the
15 additional fee shall not exceed the fee charged by that city or county for a special
16 license issued pursuant to any provision of this chapter which allows a licensee
17 to sell intoxicating liquor by the drink for consumption on the premises of the
18 licensee on Sundays.

19 3. The provisions of this section regarding the time of closing shall not
20 apply to any person who possesses a special permit issued under section 311.174,
21 311.176, or 311.178.

311.480. 1. It shall be unlawful for any person operating any premises
2 where food, beverages or entertainment are sold or provided for compensation,
3 who does not possess a license for the sale of intoxicating liquor, to permit the
4 drinking or consumption of intoxicating liquor in the premises, without having
5 a license as in this section provided.

6 2. Application for such license shall be made to the supervisor of alcohol
7 and tobacco control on forms to be prescribed by him, describing the premises to
8 be licensed and giving all other reasonable information required by the form. The
9 license shall be issued upon the payment of the fee required in this section. A
10 license shall be required for each separate premises and shall expire on the
11 thirtieth day of June next succeeding the date of such license. The license fee
12 shall be sixty dollars per year and the applicant shall pay five dollars for each
13 month or part thereof remaining from the date of the license to the next
14 succeeding first of July. Applications for renewals of licenses shall be filed on or
15 before the first of May of each year.

16 3. The drinking or consumption of intoxicating liquor shall not be
17 permitted in or upon the licensed premises by any person under twenty-one years
18 of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on
19 any [weekday, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday]
20 **day of the week**. Licenses issued hereunder shall be conditioned upon the
21 observance of the provisions of this section and the regulations promulgated

22 thereunder governing the conduct of premises licensed for the sale of intoxicating
23 liquor by the drink. The provision of this section regulating the drinking or
24 consumption of intoxicating liquor between certain hours and on Sunday shall
25 apply also to premises licensed under this chapter to sell intoxicating liquor by
26 the drink. In any incorporated city having a population of more than twenty
27 thousand inhabitants, the board of aldermen, city council, or other proper
28 authorities of incorporated cities may, in addition to the license fee required in
29 this section, require a license fee not exceeding three hundred dollars per annum,
30 payable to the incorporated cities, and provide for the collection thereof; make
31 and enforce ordinances regulating the hours of consumption of intoxicating
32 liquors on premises licensed hereunder, not inconsistent with the other provisions
33 of this law, and provide penalties for the violation thereof. No person shall be
34 granted a license hereunder unless such person is of good moral character and a
35 qualified legal voter and a taxpaying citizen of the county, town, city or village,
36 nor shall any corporation be granted a license hereunder unless the managing
37 officer of such corporation is of good moral character and a qualified legal voter
38 and taxpaying citizen of the county, town, city or village.

39 4. Any premises operated in violation of the provisions of this section, or
40 where intoxicating liquor is consumed in violation of this section, is hereby
41 declared to be a public and common nuisance, and it shall be the duty of the
42 supervisor of alcohol and tobacco control and of the prosecuting or circuit attorney
43 of the city of St. Louis, and the prosecuting attorney of the county in which the
44 premises are located, to enjoin such nuisance.

45 5. Any person operating any premises, or any employee, agent,
46 representative, partner, or associate of such person, who shall knowingly violate
47 any of the provisions of this section, or any of the laws or regulations herein made
48 applicable to the conduct of such premises, is guilty of a class A misdemeanor.

49 6. The supervisor of alcohol and tobacco control is hereby empowered to
50 promulgate regulations necessary or reasonably designed to enforce or construe
51 the provisions of this section, and is empowered to revoke or suspend any license
52 issued hereunder, as provided in this chapter, for violation of this section or any
53 of the laws or regulations herein made applicable to the conduct of premises
54 licensed hereunder.

55 7. Nothing in this section shall be construed to prohibit the sale or
56 delivery of any intoxicating liquor during any of the hours or on any of the days
57 specified in this section by a wholesaler licensed under the provisions of section

58 311.180 to a person licensed to sell the intoxicating liquor at retail.

59 8. No intoxicating liquor may be served or sold on any premises used as
60 a polling place on election day.

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

9 2. To secure the permit, the applicant shall complete a form provided by
10 the supervisor, but no applicant shall be required to furnish a personal
11 photograph as part of the application. The applicant shall pay a fee of
12 twenty-five dollars for such permit.

13 3. If the event will be held on a Sunday, the permit shall authorize the
14 sale of intoxicating liquor on that day beginning at [11:00] **6:00** a.m.

15 4. At the same time that an applicant applies for a permit under the
16 provisions of this section, the applicant shall notify the director of revenue of the
17 holding of the event and by such notification, by certified mail, shall accept
18 responsibility for the collection and payment of any applicable sales tax. Any
19 sales tax due shall be paid to the director of revenue within fifteen days after the
20 close of the event, and failure to do so shall result in a liability of triple the
21 amount of the tax due plus payment of the tax, and denial of any other permit for
22 a period of three years. Under no circumstances shall a bond be required from
23 the applicant.

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

311.710. 1. In addition to the penalties and proceedings for suspension
2 or revocation of licenses provided for in this chapter, and without limiting them,
3 proceedings for the suspension or revocation of any license authorizing the sale
4 of intoxicating liquor at retail may be brought in the circuit court of any county
5 in this state, or in the city of St. Louis, in which the licensed premises are located
6 and such proceedings may be brought by the sheriff or any peace officer of that

7 county or by any eight or more persons who are taxpaying citizens of the county
8 or city for any of the following offenses:

9 (1) Selling, giving or otherwise supplying intoxicating liquor to a habitual
10 drunkard or to any person who is under or apparently under the influence of
11 intoxicating liquor;

12 (2) Knowingly permitting any prostitute, degenerate, or dissolute person
13 to frequent the licensed premises;

14 (3) Permitting on the licensed premises any disorderly conduct, breach of
15 the peace, or any lewd, immoral or improper entertainment, conduct or practices;

16 (4) Selling, offering for sale, possessing or knowingly permitting the
17 consumption on the licensed premises of any kind of intoxicating liquors, the sale,
18 possession or consumption of which is not authorized under his license;

19 (5) Selling, giving, or otherwise supplying intoxicating liquor to any
20 person under the age of twenty-one years;

21 (6) Selling, giving or otherwise supplying intoxicating liquors between the
22 hours of [12:00 midnight Saturday night and 12:00 midnight Sunday night] **1:30**
23 **a.m. and 6:00 a.m. any day of the week.**

24 2. Provided, that said taxpaying citizen shall submit in writing, under
25 oath, by registered United States mail to the supervisor of liquor control a joint
26 complaint, stating the name of the licensee, the name under which the licensee's
27 business is conducted and the address of the licensed premises, setting out in
28 general the character and nature of the offense or offenses charged, together with
29 the names and addresses of the witnesses by whom proof thereof is expected to
30 be made; and provided, that after a period of thirty days after the mailing of such
31 complaint to the supervisor of liquor control the person therein complained of
32 shall not have been cited by the supervisor to appear and show cause why his
33 license should not be suspended or revoked then they shall file with the circuit
34 clerk of the county or city in which the premises are located a copy of the
35 complaint on file with the supervisor of liquor control.

36 3. If, pursuant to the receipt of such complaint by the supervisor of liquor
37 control, the licensee appears and shows cause why his license should not be
38 suspended or revoked at a hearing held for that purpose by the supervisor and
39 either the complainants or the licensee consider themselves aggrieved with the
40 order of the supervisor then, after a request in writing by either the complainants
41 or the licensee, the supervisor shall certify to the circuit clerk of the county or
42 city in which the licensed premises are located a copy of the original complaint

43 filed with him, together with a copy of the transcript of the evidence adduced at
44 the hearing held by him. Such certification by the supervisor shall not act as a
45 supersedeas of any order made by him.

46 4. Upon receipt of such complaint, whether from the complainant directly
47 or from the supervisor of liquor control, the court shall set a date for an early
48 hearing thereon and it shall be the duty of the circuit clerk to cause to be
49 delivered by registered United States mail to the prosecuting attorney of the
50 county or to the circuit attorney of the city of St. Louis and to the licensee copies
51 of the complaint and he shall, at the same time, give notice of the time and place
52 of the hearing. Such notice shall be delivered to the prosecuting attorney or to
53 the circuit attorney and to the licensee at least fifteen days prior to the date of
54 the hearing.

55 5. The complaint shall be heard by the court without a jury and if there
56 has been a prior hearing thereon by the supervisor of liquor control then the case
57 shall be heard de novo and both the complainants and the licensee may produce
58 new and additional evidence material to the issues.

59 6. If the court shall find upon the hearing that the offense or offenses
60 charged in the complaint have been established by the evidence, the court shall
61 order the suspension or revocation of the license but, in so doing, shall take into
62 consideration whatever order, if any, may have been made in the premises by the
63 supervisor of liquor control. If the court finds that to revoke the license would be
64 unduly severe, then the court may suspend the license for such period of time as
65 the court deems proper.

66 7. The judgment of the court in no event shall be superseded or stayed
67 during pendency of any appeal therefrom.

68 8. It shall be the duty of the prosecuting attorney or circuit attorney to
69 prosecute diligently and without delay any such complaints coming to him by
70 virtue of this section.

71 9. The jurisdiction herein conferred upon the circuit courts to hear and
72 determine complaints for the suspension or revocation of licenses in the manner
73 provided in this section shall not be exclusive and any authority conferred upon
74 the supervisor of liquor control to revoke or suspend licenses shall remain in full
75 force and effect, and the suspension or revocation of a license as provided in this
76 section shall be in addition to and not in lieu of any other revocation or
77 suspension provided by this chapter.

78 10. Costs accruing because of such hearings in the circuit court shall be

79 taxed in the same manner as criminal costs.

✓

Unofficial

Bill

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