

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 747

Introduced by Thibodeau, 6; Albrecht, 17; Blood, 3; Clements, 2; Geist,
25; Krist, 10.

Read first time January 03, 2018

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-101, 53-103, and 53-186.01, Revised Statutes Cumulative
3 Supplement, 2016; to provide for bottle clubs; to define a term; to
4 change a penalty; to harmonize provisions; and to repeal the
5 original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 3 of this act shall
4 be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. Section 53-103, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 53-103 For purposes of the Nebraska Liquor Control Act, the
8 definitions found in sections 53-103.01 to 53-103.46 and section 3 of
9 this act apply.

10 Sec. 3. (1) Bottle club means an operation, whether formally
11 organized as a club having a regular membership list, dues, officers, and
12 meetings or not, keeping and maintaining premises where persons who have
13 made their own purchases of alcoholic liquor congregate for the express
14 purpose of consuming alcoholic liquor upon the payment of a fee or other
15 consideration, including, but not limited to, other services such as the
16 sale of food, ice, mixes, or other fluids for alcoholic drinks, the
17 maintenance of the space for consumption, and entertainment performances.

18 (2) A person operating a bottle club shall obtain the appropriate
19 classification of retail license based on the type of beverages consumed.
20 Such operation may be conducted by a club, an individual, a partnership,
21 a limited liability company, or a corporation. An accurate and current
22 membership list shall be maintained upon the premises which contains the
23 names and residences of the members.

24 Sec. 4. Section 53-186.01, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 53-186.01 (1) It shall be unlawful for any person owning, operating,
27 managing, or conducting any bottle club, dance hall, restaurant, cafe, or
28 club or any place open to the general public to permit or allow any
29 person to consume alcoholic liquor upon the premises except as permitted
30 by a license issued for such premises pursuant to the Nebraska Liquor
31 Control Act.

1 (2) It shall be unlawful for any person to consume alcoholic liquor
2 in any dance hall, restaurant, cafe, or club or any place open to the
3 general public except as permitted by a license issued for such premises
4 pursuant to the act.

5 (3) This section shall not apply to a retail licensee while lawfully
6 engaged in the catering of alcoholic beverages or to limousines or buses
7 operated under section 60-6,211.08.

8 (4) Any person violating subsection (1) of this section shall be
9 guilty of a Class II misdemeanor , ~~upon conviction thereof, be subject to~~
10 ~~the penalties contained in section 53-1,100.~~

11 (5) Any person violating subsection (2) of this section shall be
12 guilty of a Class III misdemeanor.

13 Sec. 5. Original sections 53-101, 53-103, and 53-186.01, Revised
14 Statutes Cumulative Supplement, 2016, are repealed.