

Regular Session, 2012

HOUSE BILL NO. 1164

BY REPRESENTATIVE HAZEL

ALCOHOLIC BEVERAGE PERMT: Provides relative to qualifications for retail permits

1 AN ACT

2 To amend and reenact R.S. 26:80(A) and (F)(2)(introductory paragraph) and 280(A) and
3 (F)(2)(introductory paragraph), relative to qualifications of applicants for low and
4 high alcoholic beverage permits; to prohibit any applicant from obtaining a state or
5 local permit who has been convicted of crimes involving distribution or possession
6 with intent to distribute certain substances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:80(A) and (F)(2)(introductory paragraph) and 280(A) and
9 (F)(2)(introductory paragraph) are hereby amended and reenacted to read as follows:

10 §80. Qualifications of applicants for permits

11 A. Applicants for state and local permits of all kinds shall meet all of the
12 following qualifications and conditions:

13 (1) Be a person of good character and reputation and over eighteen years of
14 age.

15 (2) Be a citizen of the United States and the state of Louisiana and a resident
16 of the state of Louisiana continuously for a period of not less than two years next
17 preceding the date of the filing of the application. However, the requirements as to
18 Louisiana citizenship do not apply to wholesalers or retailers who held permits on
19 or prior to January 1, 1946.

1 (3) Be the owner of the premises, have a bona fide written lease therefor, or
2 be a commercial lessor or a noncommercial lessor licensed pursuant to R.S. 4:701
3 et seq., exclusively for the sole purpose of conducting charitable gaming.

4 (4) Have not been convicted of distributing or possessing with the intent to
5 distribute any controlled dangerous substance classified in Schedule I, as defined by
6 R.S. 40:964, on any premises licensed pursuant to this Title, where the applicant held
7 or holds an interest in the licensed business. The prohibition provided for in this
8 Subsection shall be for the lifetime of the offender.

9 (5) Have not been convicted of a felony under the laws of the United States,
10 the state of Louisiana, or any other state or country.

11 ~~(5)~~(6) Have not been convicted in this or in any other state or by the United
12 States or any other country of soliciting for prostitution, pandering, letting premises
13 for prostitution, contributing to the delinquency of juveniles, keeping a disorderly
14 place, or illegally dealing in controlled dangerous substances.

15 ~~(6)~~(7) Have not had a license or permit to sell or deal in alcoholic beverages,
16 issued by the United States, any state, or by any political subdivision of a state
17 authorized to issue permits or licenses, revoked within two years prior to the
18 application, or been convicted or had a judgment of court rendered against the
19 applicant involving alcoholic beverages by this or any other state or by the United
20 States for two years prior to the application.

21 ~~(7)~~(8) Have not been adjudged by the commissioner, or convicted by a court
22 of violating any of the provisions of this Chapter.

23 ~~(8)~~(9) Have not been convicted of violating any municipal or parish
24 ordinances adopted pursuant to the provisions of this Chapter. If the applicant has
25 been so convicted, the granting of a permit or of a renewal shall be within the
26 discretion of the commissioner.

27 ~~(9)~~(10) Not be the spouse of a person who does not meet the requirements
28 of Paragraphs (1) and (3) through ~~(8)~~ (9), and ~~(10)~~ (11) of this Subsection; however,
29 in such cases the age of the ineligible spouse shall be immaterial.

(10)(11) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest, excluding items under formal appeal pursuant to applicable statutes.

* * *

F.

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(2) In the granting of a permit, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification of the applicant as otherwise required pursuant to the provisions of Paragraph (A)(4) (5) of this Section, if all of the following criteria are met:

* * *

§280. Qualifications of applicants for permits

A. Applicants for state and local permits of all kinds shall meet the following qualifications and conditions:

(1) Be a person of good character and reputation and over eighteen years of age.

(2) Be a citizen of the United States and of the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship do not apply to wholesale or retail dealers who have continuously held permits since July 26, 1944.

(3) Be the owner of the premises, have a bona fide written lease therefor, or be a commercial lessor or a noncommercial lessor licensed pursuant to R.S. 4:701 et seq., exclusively for and for the sole purpose of conducting charitable gaming. In cases where the applicant holds a bona fide written lease, the name and current street address of the lessor shall be shown on the application form filed with the commissioner.

(4) Have not been convicted of distributing or possessing with the intent to
distribute any controlled dangerous substance classified in Schedule I, as defined by

1 R.S. 40:964, on any premises licensed pursuant to this Title, where the applicant held
2 or holds an interest in the licensed business. The prohibition provided for in this
3 Subsection shall be for the lifetime of the offender.

4 (5) Have not been convicted of a felony under the laws of the United States,
5 the state of Louisiana, or any other state or country.

6 (5)(6) Have not been convicted in this or in any other state or by the United
7 States of soliciting for prostitution, pandering, letting premises for prostitution,
8 contributing to the delinquency of juveniles, keeping a disorderly place, letting a
9 disorderly place, or illegally dealing in controlled dangerous substances.

10 (6)(7) Have not had a license or permit to sell or deal in alcoholic beverages,
11 issued by the United States, any state, or by any political subdivision of a state
12 authorized to issue permits or licenses, revoked within two years prior to the
13 application, or been convicted, or had a judgment of court rendered against the
14 applicant involving alcoholic beverages by this or any other state or by the United
15 States for two years prior to the application.

16 (7)(8) Have not been convicted of violating any of the provisions of this
17 Chapter.

18 (8)(9) Have not been convicted of violating any municipal or parish
19 ordinance relating to beverages of low alcoholic content adopted pursuant to the
20 provisions of R.S. 26:493. In such a case, the granting or denial of a permit is within
21 the discretion of the local licensing authorities.

22 (9)(10) Not owe the state or the local governmental subdivisions in which
23 the application is made any delinquent sales taxes, penalties, or interest excluding
24 items under formal appeal pursuant to applicable statutes.

25 (10)(11) Not be the spouse of a person who does not meet the requirements
26 of Paragraphs (1) and (3) through (9) (10) of this Subsection; however, in such cases
27 the age of the ineligible spouse shall be immaterial.

28 * * *

1 F.

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3 (2) In the granting of a permit, a conviction or plea of guilty or nolo
4 contendere by the applicant shall not constitute an automatic disqualification of the
5 applicant as otherwise required pursuant to the provisions of Paragraph (A)(4) (5) of
6 this Section, if all of the following criteria are met:

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hazel

HB No. 1164

Abstract: Provides for specific qualifications for applicants to obtain alcoholic beverage permits for low alcoholic and high alcoholic content.

Present law requires applicants for state and local permits for low and high alcoholic content to meet the following qualifications and conditions:

- (1) Be a person of good character and reputation and over 18 years of age.
- (2) Be a citizen of the U.S. and the state of La. for a certain period of time.
- (3) Be the owner of the premises, have a bona fide written lease therefor, or be a commercial lessor or a noncommercial lessor licensed pursuant to present law, exclusively for the sole purpose of conducting charitable gaming.
- (4) Have not been convicted of a felony.
- (5) Have not been convicted of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegally dealing in controlled dangerous substances.
- (6) Have not had a license or permit to sell or deal in alcoholic beverages revoked within two years prior to the application or been convicted or had a judgment of court rendered against the applicant involving alcoholic beverages for two years prior to the application.
- (7) Have not been adjudged by the commissioner or convicted by a court of violating any of the provisions of present law.
- (8) Have not been convicted of violating any municipal or parish ordinances adopted pursuant to present law.
- (9) Not be the spouse of a person who does not meet the requirements of present law.
- (10) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest.

Proposed law retains present law and adds a lifetime prohibition against the applicant having a conviction of distribution or possession with intent to distribute any controlled dangerous substance classified as a Schedule I, as defined in present law, on any premises licensed where the applicant held or holds an interest in the licensed business.

(Amends R.S. 26:80(A) and (F)(2)(intro. para.) and 280(A) and (F)(2)(intro. para.))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical changes only.