

HOUSE BILL NO. HB0128

Restaurant liquor licenses.

Sponsored by: Representative(s) Parady, Ialloway and Martin and Senator(s) Coe and Kunz

A BILL

for

1 AN ACT relating to alcohol; providing for bar and grill
2 liquor licenses; specifying conditions for licensure;
3 exempting bar and grill liquor licensees from certain
4 restrictions; authorizing dual holding of microbrewery or
5 winery permit and bar and grill liquor license as
6 specified; making conforming amendments; and providing for
7 an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 12-4-413 is created to read:

12

13 **12-4-413. Bar and grill liquor license; authorized;**
14 **requirements.**

15

1 (a) Restaurants meeting the requirements of this
2 section, may be licensed by a city under a bar and grill
3 liquor license. The population formulas and the restriction
4 on the number of restaurant licenses under this title have
5 no application to issuance of a bar and grill liquor
6 license under this section.

7

8 (b) To qualify for a bar and grill liquor license the
9 restaurant shall:

10

11 (i) Meet the requirements of W.S.
12 12-1-101(a) (xiv);

13

14 (ii) Be located in a city with a population of
15 not less than twenty thousand (20,000), according to the
16 most recent decennial census;

17

18 (iii) Have an actual valuation of, or the
19 applicant shall have committed or expended on the
20 restaurant, not less than six hundred thousand dollars
21 (\$600,000.00), excluding the value of the land.

22

23 (c) In addition to the application requirements of
24 this title, the bar and grill liquor license applicant

1 shall submit a valid food service permit upon application
2 and shall submit proof of meeting the provisions of this
3 section to the city licensing authority.

4
5 (d) Any person presently holding a restaurant liquor
6 license and otherwise qualified for a bar and grill liquor
7 license under this section may be issued a bar and grill
8 liquor license by the appropriate city licensing authority.

9
10 (e) Bar and grill licensees shall be subject to the
11 provisions of W.S. 12-4-408, 12-4-409 and 12-4-410(c) to
12 the same extent those provisions are applicable to
13 restaurant liquor licensees. Bar and grill licensees shall
14 not sell alcoholic or malt beverages for consumption off
15 the premises owned or leased by the licensee.

16
17 (f) The annual fee for a bar and grill liquor license
18 shall be not more than three thousand dollars (\$3,000.00)
19 and not less than five hundred dollars (\$500.00).

20
21 **Section 2.** W.S. 12-1-101(a)(viii)(F), (G) and by
22 creating a new subparagraph (H), 12-4-412(b)(iii)(D), (E),
23 by creating a new subparagraph (F), (viii) and by creating

1 a new subsection (e) and 12-5-201(e), (h) and (j) are
2 amended to read:

3

4 **12-1-101. Definitions.**

5

6 (a) As used in this title:

7

8 (viii) "Licensee" means a person holding a:

9

10 (F) Restaurant liquor license;~~or~~

11

12 (G) Catering permit;~~or~~ or

13

14 (H) Bar and grill liquor license.

15

16 **12-4-412. Microbrewery and winery permits;**
17 **authorized; conditions; dual permits and licenses; fees.**

18

19 (b) The local licensing authority:

20

21 (iii) May approve the dual holding of a
22 microbrewery permit or winery permit and one (1) of the
23 following:

24

1 (D) A microbrewery permit as provided under
2 paragraph (a) (i) of this section;~~or~~

3

4 (E) A winery permit as provided under
5 paragraph (a) (ii) of this section;~~;~~ or

6

7 (F) Subject to subsection (d) of this
8 section, a bar and grill liquor license as provided in W.S.
9 12-4-413.

10

11 (viii) Shall assess a fee of not less than three
12 hundred dollars (\$300.00) nor more than five hundred
13 dollars (\$500.00) payable annually in advance for each
14 microbrewery or winery permit. When dual ownership of a
15 microbrewery or winery permit and a liquor license exists
16 no additional fee shall be assessed other than the retail,
17 restaurant, bar and grill or resort license fee.

18

19 (e) W.S. 12-4-413 shall apply to any person holding a
20 microbrewery or winery permit and a bar and grill liquor
21 license pursuant to subparagraph (b) (iii) (F) of this
22 section, except the dual holder:

23

1 (i) May sell the brewed malt beverage or
2 manufactured wine for limited off-premises personal
3 consumption pursuant to paragraphs (b)(iv) and (v) of this
4 section;

5
6 (ii) May upon cessation of full service
7 restaurant operations, serve a limited menu and continue to
8 serve malt beverages authorized under the microbrewery
9 permit or wines authorized under the winery permit; and

10
11 (iii) Shall not include sales of malt beverages
12 or wines authorized under the microbrewery or winery
13 permit, or sales other than food service and alcoholic
14 beverages in the annual gross sales report required under
15 W.S. 12-4-408(c).

16
17 **12-5-201. Location, regulation and restrictions as to**
18 **place of sale; inspections; additional dispensing rooms.**

19
20 (e) Notwithstanding subsection (a) of this section, a
21 licensee who holds a license other than a club license
22 issued under W.S. 12-4-301, bar and grill liquor license
23 under W.S. 12-4-413 or restaurant license issued under W.S.
24 12-4-407, and who is engaged in a business operation with

1 motel or hotel sleeping room accommodations at the same
2 premises may, at an additional fee of not to exceed one-
3 half (1/2) of the fee paid for the original license, sell
4 alcoholic liquor and malt beverages in sealed containers
5 from a minibar located in any sleeping room of the
6 licensee's motel or hotel operation occupied by a
7 registered guest twenty-one (21) years of age or older.
8 Sales under this subsection shall be only to registered
9 guests age twenty-one (21) years or more, are not subject
10 to hours of operation imposed under W.S. 12-5-101 and shall
11 be only for consumption within the motel or hotel sleeping
12 room premises occupied by the guest. Restrictions imposed
13 upon minors under W.S. 12-6-101 apply to sales authorized
14 under this subsection. The price imposed upon alcoholic
15 liquor, malt beverages and all other items available for
16 sale from the minibar shall be clearly posted. A minibar
17 used for purposes of this subsection shall be a closed
18 container, refrigerated or nonrefrigerated, access to the
19 interior of which is restricted by means of a locking
20 device requiring the use of a key, magnetic card or similar
21 device. The appropriate licensing authority may impose
22 additional reasonable restrictions on the operation of a
23 minibar licensed under this subsection.

24

1 (h) With the approval and on the conditions imposed
2 by the licensing authority, any restaurant or bar and grill
3 liquor licensee operating on a golf course may dispense
4 alcoholic beverages from any location on the premises of
5 the golf course. Subsections (a) through (c) and (e) of
6 this section do not apply to holders of such licenses, but
7 such holders shall comply with all applicable sanitation
8 and fire hazard requirements, and other applicable laws.

9

10 (j) Any retail, bar and grill or restaurant liquor
11 licensee operating on a guest ranch as defined by W.S.
12 12-1-101(a)(xxiii) may dispense alcoholic beverages from
13 any location within the boundaries of the guest ranch
14 premises. The guest ranch premises shall be a single
15 property within a contiguous boundary upon which the guest
16 ranch is located and which shall be identified in the
17 license. Subsections (a) through (c) and (e) of this
18 section do not apply to holders of such licenses. The
19 licensing authority shall, as often as necessary, inspect
20 the licensed location where alcoholic beverages are
21 dispensed to ensure that the licensee is in compliance with
22 sanitation and fire hazard requirements and other
23 applicable laws. For each additional fixed dispensing

1 location, the applicant shall pay an annual fee equal to
2 two-thirds (2/3) of the original license fee.

3

4 **Section 3.** This act is effective July 1, 2004.

5

6

(END)