

Part 2 Resort Licensing Process

32B-8-201 Commission's power to issue a resort license.

- (1) Before a person as a resort may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on sublicense premises, the person shall first obtain a resort license from the commission in accordance with this part.
- (2)
 - (a) The commission may issue to a person a resort license to allow the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product in connection with a resort designated in the resort license if the person operates at least four sublicenses under the resort license.
 - (b) A resort license shall:
 - (i) consist of:
 - (A) a general resort license; and
 - (B) the four or more sublicenses; and
 - (ii) designate the boundary of the resort building.
 - (c) This chapter does not prohibit an alcoholic product on the boundary of the resort building to the extent otherwise permitted by this title.
 - (d) The commission may not issue a sublicense that is separate from a resort license.
- (3)
 - (a) The commission may not issue a total number of resort licenses that at any time totals more than four.
 - (b) Subject to Subsection (3)(c), when determining the total number of licenses the commission has issued for each type of retail license, the commission may not include a sublicense as one of the retail licenses issued under the provisions applicable to the sublicense.
 - (c) If a resort license issued under this chapter includes a sublicense that before the issuance of the resort license was a retail licensee under this chapter, the commission shall include the sublicense as one of the retail licenses issued under the provisions applicable to the sublicense in determining if the total number of licenses issued under the provisions applicable to the sublicense exceeds the number calculated by dividing the population of the state by the number specified in the provisions applicable to the sublicense.

Enacted by Chapter 276, 2010 General Session

32B-8-202 Specific licensing requirements for resort license.

- (1) To obtain a resort license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:
 - (a) the current business license for each sublicense, if the business license is separate from the person's business license;
 - (b) evidence:
 - (i) of proximity of the resort building to any community location, with proximity requirements being governed by Section 32B-1-202;
 - (ii) that each of the four or more sublicense premises is entirely within the boundaries of the resort building; and
 - (iii) that the building designated in the application as the resort building qualifies as a resort building;

- (c) a description and boundary map of the resort building;
 - (d) a description, floor plan, and boundary map of each sublicense premises designating:
 - (i) any location at which the person proposes that an alcoholic product be stored; and
 - (ii) a designated location on the sublicense premises from which the person proposes that an alcoholic product be sold, furnished, or consumed;
 - (e) evidence that the resort license person carries dramshop insurance coverage equal to the sum of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate to cover both the general resort license and each sublicense; and
 - (f) a signed consent form stating that the person will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the boundary of the resort building and each sublicense premises.
- (2)
- (a) A resort license expires on October 31 of each year.
 - (b) To renew a person's resort license, the person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.
- (3)
- (a) The nonrefundable application fee for a resort license is \$300.
 - (b) The initial license fee for a resort license is calculated as follows:
 - (i) \$10,000 if four sublicenses are being applied for under the resort license; or
 - (ii) if more than four sublicenses are being applied for under the resort license, the sum of:
 - (A) \$10,000; and
 - (B) \$2,000 for each sublicense in excess of four sublicenses for which the person is applying.
 - (c) The renewal fee for a resort license is \$1,000 for each sublicense under the resort license.
- (4)
- (a) The bond amount required for a resort license is the penal sum of \$25,000.
 - (b) A resort licensee is not required to have a separate bond for each sublicense, except that the aggregate of the bonds posted by the resort licensee shall cover each sublicense under the resort license.
- (5) The commission may not issue a resort license for a resort building that does not meet the proximity requirements of Section 32B-1-202.

Amended by Chapter 334, 2011 General Session

32B-8-203 Specific qualifications for resort license.

- (1) For purposes of this chapter, the commission shall apply:
- (a) Subsection 32B-1-304(1)(a) to a partnership, corporation, or limited liability company, only if an individual listed in Subsection 32B-1-304(1)(b) will engage in the management of the resort; and
 - (b) Subsection 32B-1-304(1)(c) to an individual who is employed to act in a supervisory or managerial capacity for the resort licensee or in relation to a sublicense.
- (2) The following are subject to Section 32B-8-501:
- (a) an action of the commission under Subsection 32B-1-304(2);
 - (b) an action of the director under Subsection 32B-1-304(3); and
 - (c) termination of a resort license under Subsection 32B-1-304(6).
- (3)
- (a) A person employed to act in a supervisory or managerial capacity for a sublicense is subject to the qualification requirements in the provisions applicable to the sublicense.

- (b) If a person described under Subsection (3)(a) no longer possesses the qualifications required by this Subsection (3), the commission may suspend or revoke the sublicense that is part of the resort license.

Enacted by Chapter 276, 2010 General Session

32B-8-204 Commission and department duties before issuing resort license.

- (1) Before the issuance of a resort license, the department shall comply with the requirements of Subsection 32B-5-203(1) in relation to the resort license and each sublicense.
- (2) Before issuing a resort license, in addition to considering the factors described in Section 32B-8-202, the commission shall:
 - (a) consider the resort license person's ability to manage and operate a resort license and the ability of any individual who will act in a supervisory or managerial capacity for a sublicense, including:
 - (i) past management experience;
 - (ii) past alcoholic product license experience; and
 - (iii) the type of management scheme to be used by the resort license person;
 - (b) consider the nature or type of:
 - (i) the person's business operation of the resort license; and
 - (ii) the business operation of each sublicense; and
 - (c) subject to Subsection (3), determine that each sublicense meets the requirements imposed under the provisions applicable to each sublicense.
- (3)
 - (a) Subject to Subsection (3)(b), notwithstanding the requirements to obtain a retail license under the provisions applicable to a sublicense, a sublicense of a resort license is not subject to:
 - (i) a requirement to submit an application or renewal application that is separate from the resort license application;
 - (ii) a requirement to carry public liability insurance or dramshop insurance coverage that is separate from that carried by the resort licensee; or
 - (iii) a requirement to post a bond that is separate from the bond posted by the resort licensee.
 - (b) If a resort licensee seeks to add a sublicense after its resort license is issued, the resort licensee shall file with the department:
 - (i) a nonrefundable \$300 application fee;
 - (ii) an initial license fee of \$2,250, which is refundable if the sublicense is not issued;
 - (iii) written consent of the local authority;
 - (iv) a copy of:
 - (A) the resort licensee's current business license; and
 - (B) the current business license for the sublicense, if the business licensee is separate from the resort licensee's business license;
 - (v) evidence that the sublicense premises is entirely within the boundary of the resort building;
 - (vi) a description, floor plan, and boundary map of the sublicense premises designating:
 - (A) any location at which the person proposes that an alcoholic product be stored; and
 - (B) any designated location on the sublicense premises from which the person proposes that an alcoholic product be sold, furnished, or consumed;
 - (vii) evidence that the person carries public liability insurance in an amount and form satisfactory to the department;
 - (viii) evidence that the person carries dramshop insurance coverage in the amount required by Section 32B-8-202 that covers the sublicense to be added;

- (ix) a signed consent form stating that the resort licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the sublicense premises;
- (x) if the resort licensee is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
- (xi) any other information the commission or department may require.

Amended by Chapter 334, 2011 General Session