

HB0312S01 compared with HB0312

~~{deleted text}~~ shows text that was in HB0312 but was deleted in HB0312S01.

inserted text shows text that was not in HB0312 but was inserted into HB0312S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative V. Lowry Snow proposes the following substitute bill:

DRAMSHOP AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: ~~{~~ Todd Weiler

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address dramshop insurance.

Highlighted Provisions:

This bill:

- ▶ modifies language addressing the amount of dramshop coverage a retail licensee is required to carry;
- ▶ provides a transition process; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill takes effect on July 1, 2014.

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[This bill provides revisor instructions.](#)

Utah Code Sections Affected:

AMENDS:

32B-5-201, as enacted by Laws of Utah 2010, Chapter 276

32B-8-202, as last amended by Laws of Utah 2011, Chapter 334

Utah Code Sections Affected by Revisor Instructions:

[32B-5-201, as enacted by Laws of Utah 2010, Chapter 276](#)

[32B-8-202, as last amended by Laws of Utah 2011, Chapter 334](#)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32B-5-201** is amended to read:

32B-5-201. Application requirements for retail license.

(1) (a) Before a person may store, sell, offer for sale, furnish, or permit consumption of an alcoholic product on licensed premises as a retail licensee, the person shall first obtain a retail license issued by the commission, notwithstanding whether the person holds a local license or a permit issued by a local authority.

(b) Violation of this Subsection (1) is a class B misdemeanor.

(2) To obtain a retail license under this title, a person shall submit to the department:

(a) a written application in a form prescribed by the department;

(b) a nonrefundable application fee in the amount specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license for which the person is applying;

(c) an initial license fee:

(i) in the amount specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license for which the person is applying; and

(ii) that is refundable if a retail license is not issued;

(d) written consent of the local authority;

(e) a copy of the person's current business license;

(f) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202;

(g) a bond as specified by Section 32B-5-204;

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(h) a floor plan, and boundary map where applicable, of the premises of the retail license, including any:

(i) consumption area; and

(ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic beverage;

(i) evidence that the retail licensee is carrying public liability insurance in an amount and form satisfactory to the department;

(j) subject to Subsection (5), evidence that the retail licensee is carrying dramshop insurance coverage of at least \$1,000,000 per [~~occurrence and~~] person, ~~and~~ \$2,000,000 [~~in the aggregate~~] per ~~accident~~ occurrence, and \$2,000,000 per year aggregate;

(k) a signed consent form stating that the retail licensee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises of the retail licensee;

(l) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and

(m) any other information the commission or department may require.

(3) The commission may not issue a retail license to a person who:

(a) is disqualified under Section 32B-1-304; or

(b) is not lawfully present in the United States.

(4) Unless otherwise provided in the relevant part under Chapter 6, Specific Retail License Act, the commission may not issue a retail license to a person if the licensed premises does not meet the proximity requirements of Section 32B-1-202.

(5) (a) On or after July 1, 2014, a retail licensee shall comply with the changes made in this bill related to dramshop insurance coverage as follows:

(i) for an initial retail license, at the time the application is submitted for the new retail license; and

(ii) for a renewal of a retail license, at the time the retail licensee renews its insurance policy that includes dramshop insurance coverage or obtains a new insurance policy that includes dramshop insurance coverage, but by no later than July 1, 2015.

(b) The department shall include in its notification of the time to renew a retail license, a notice of the new dramshop insurance coverage amounts in this bill.

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Section 2. Section **32B-8-202** is amended to read:

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) Subject to Subsection (6), evidence that the resort license person carries dramshop insurance coverage equal to the sum of at least \$1,000,000 per [~~occurrence~~ and] person, ~~{and}~~ \$2,000,000 [~~in the aggregate~~] per {accident}; occurrence, and \$2,000,000 per year 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:

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(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.

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Legislative Review Note

— as of ~~1-30-14 12:44 PM~~

~~— (6) (a) On or after July 1, 2014, a resort licensee shall comply with the changes made in this
bill related to dramshop insurance coverage as follows:~~

~~(i) for an initial resort license, at the time the application is submitted for the new
resort license; and~~

~~(ii) for a renewal of a resort license, at the time the resort licensee renews its insurance
policy that includes dramshop insurance coverage or obtains a new insurance policy that
includes dramshop insurance coverage, but by no later than July 1, 2015.~~

~~(b) The department shall include in its notification of the time to renew a resort license,
a notice of the new dramshop insurance coverage amounts in this bill.~~

Section 3. Effective date.

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This bill takes effect on July 1, 2014.

Section 4. Revisor instructions.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the language in Subsections 32B-5-201(5) and 32B-8-202(6), from "this bill" with the bill's designated chapter and section number in the Laws of Utah.