

32B-5-205 Conditional retail license.

- (1) As used in this section:
 - (a) "Conditional retail license" means a retail license that:
 - (i) conditions the holder's ability to sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its licensed premises on the person submitting to the department a copy of the holder's current business license before obtaining a valid retail license; and
 - (ii) provides that the holder will be issued a valid retail license if the holder complies with the requirements of Subsection (3).
 - (b) "Valid retail license" means a retail license issued pursuant to this part under which the holder is permitted to sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its licensed premises.
- (2) Subject to the requirements of this section, the commission may issue a conditional retail license to a person if the person:
 - (a) meets the requirements to obtain the retail license for which the person is applying except the requirement to submit a copy of the person's current business license; and
 - (b) agrees not to sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its licensed premises before obtaining a valid retail license.
- (3)
 - (a) A conditional retail license becomes a valid retail license on the day on which the department notifies the person who holds the conditional retail license that the department finds that the person has complied with Subsection (3)(b).
 - (b) For a conditional retail license to become a valid retail license, a person who holds the conditional retail license shall:
 - (i) submit to the department a copy of the person's current business license; and
 - (ii) provide to the department evidence satisfactory to the department that:
 - (A) there has been no change in the information submitted to the commission as part of the person's application for a retail license; and
 - (B) the person continues to qualify for the retail license.
- (4)
 - (a) A conditional retail license expires nine months after the day on which the commission issues the conditional retail license, unless the conditional retail license becomes a valid retail license before that day.
 - (b) Notwithstanding Subsection (4)(a), the commission may extend the time period of a conditional retail license an additional three months if the holder of the conditional license can show to the satisfaction of the commission that the holder of the conditional license:
 - (i) has an active building permit related to the licensed premises; and
 - (ii) is engaged in a good faith effort to pursue completion within the three-month period.

Amended by Chapter 349, 2013 General Session