

Effective 7/1/2014

32B-5-309 Ceasing operation.

- (1) Except as provided in Subsection (8), a retail licensee may not close or cease operation for a period longer than 240 hours, unless:
 - (a) the retail licensee notifies the department in writing at least seven days before the day on which the retail licensee closes or ceases operation; and
 - (b) the closure or cessation of operation is first approved by the department.
- (2) Notwithstanding Subsection (1), in the case of emergency closure, a retail licensee shall immediately notify the department by telephone.
- (3)
 - (a) The department may authorize a closure or cessation of operation of a retail licensee for a period not to exceed 60 days.
 - (b) The department may extend the initial period an additional 30 days upon:
 - (i) written request of the retail licensee; and
 - (ii) a showing of good cause.
- (4) A closure or cessation of operation may not exceed a total of 90 days without commission approval.
- (5) A notice required under this section shall include:
 - (a) the dates of closure or cessation of operation;
 - (b) the reason for the closure or cessation of operation; and
 - (c) the date on which the retail licensee will reopen or resume operation.
- (6) Failure of a retail licensee to provide notice and to obtain department approval before closure or cessation of operation results in an automatic forfeiture of:
 - (a) the retail license; and
 - (b) the unused portion of the retail license fee for the remainder of the retail license year effective immediately.
- (7) Failure of a retail licensee to reopen or resume operation by the approved date results in an automatic forfeiture of:
 - (a) the retail license; and
 - (b) the unused portion of the retail license fee for the remainder of the retail license year.
- (8) This section does not apply to:
 - (a) an on-premise beer retailer who is not a tavern; or
 - (b) an airport lounge licensee.

Revisor instructions Chapter 349, 2013 General Session
Amended by Chapter 334, 2011 General Session