

ALCOHOLIC BEVERAGE SINGLE EVENT

PERMITS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. McCoy

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act to address single event permits.

Highlighted Provisions:

This bill:

- ▶ allows for single event permits of differing lengths of time;
- ▶ addresses the number of single event permits that may be issued to the same person in a calendar year;
- ▶ addresses the application for a single event permit;
- ▶ provides for a transition; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32A-7-101, as last amended by Laws of Utah 2004, Chapter 268

32A-7-102, as last amended by Laws of Utah 2004, Chapter 268



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

29 Section 1. Section **32A-7-101** is amended to read:

30 **32A-7-101. Commission's power to grant permits -- Limitations.**

31 (1) The commission may issue a single event permit to any of the following that is
32 conducting a convention, civic, or community enterprise, a bona fide:

- 33 (a) partnership;
- 34 (b) corporation;
- 35 (c) limited liability company;
- 36 (d) church;
- 37 (e) political organization;
- 38 (f) incorporated association;
- 39 (g) recognized subordinate lodge, chapter, or other local unit of an entity described in

40 Subsections (1)(a) through (f);

- 41 (h) state agency; or
- 42 (i) political subdivision of the state including:
- 43 (i) a county; or
- 44 (ii) a municipality.

45 (2) (a) The single event permit may authorize:

46 [~~(a)~~] (i) [~~for a period not to exceed 120 consecutive hours;~~] the storage, sale, service,
47 and consumption of liquor at an event at which the storage, sale, service, or consumption of
48 liquor is otherwise prohibited by this title~~;~~ and for either:

49 (A) a time period not to exceed 120 consecutive hours; or

50 (B) a time period not to exceed 72 consecutive hours; and

51 [~~(b)~~] (ii) the storage, sale, service, and consumption of beer at the same event for the
52 period that the storage, sale, service, or consumption of liquor is authorized under Subsection
53 (2)(a)(i) for the single event permit.

54 (b) The single event permit shall state in writing whether it is for a time period
55 described in Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

56 (3) The commission may not issue more than:

57 (a) four single event permits in any one calendar year to the same~~[(a) partnership; (b)~~
58 ~~corporation; (c) limited liability company; (d) church; (e) political organization; (f)~~

59 ~~incorporated association; (g) recognized subordinate lodge, chapter, or other local unit of an~~
60 ~~entity described in Subsections (3)(a) through (f); (h) state agency; or (i) political subdivision~~
61 ~~of the state including: (i) a county; or (ii) a municipality.] person listed in Subsection (1) if~~
62 one or more of the single event permits is for a time period described in Subsection
63 (2)(a)(i)(A); or

64 (b) 12 single event permits in any one calendar year to the same person listed in
65 Subsection (1) if each of the single event permits issued to that person is for a time period
66 described in Subsection (2)(a)(i)(B).

67 (4) (a) The 600 foot and 200 foot proximity limitations to educational, religious, and
68 recreational facilities that are applicable to state stores, package agencies, and licensees, do not
69 apply to single event permits.

70 (b) [~~Nothing~~] Notwithstanding Subsection (4)(a), nothing in this section[~~, however,~~]
71 prevents the commission from considering the proximity of [~~any~~] an educational, religious, or
72 recreational facility, or any other relevant factor in deciding whether to [~~grant~~] issue a single
73 event permit.

74 (5) For calendar year 2008, the commission shall grant the number of single event
75 permits to the same person described in Subsection (1) that the commission determines is most
76 similar to the restriction in Subsection (3), except in no case may the commission issue more
77 than 12 single event permits to the same person in calendar year 2008.

78 Section 2. Section **32A-7-102** is amended to read:

79 **32A-7-102. Application requirements.**

80 (1) A qualified applicant for a single event permit shall file a written application with
81 the department in a form as the department shall prescribe.

82 (2) The application shall be accompanied by:

83 (a) a single event permit fee of \$100, which is refundable if a single event permit is not
84 [~~granted~~] issued and shall be returned to the applicant with the application;

85 (b) written consent of the local authority;

86 (c) a bond as specified by Section 32A-7-105;

87 (d) the times, dates, location, estimated attendance, nature, and purpose of the event;

88 (e) a description or floor plan designating:

89 (i) the area in which the applicant proposes that alcoholic beverages be stored;

90 (ii) the site from which the applicant proposes that alcoholic beverages be sold or
91 served; and

92 (iii) the area in which the applicant proposes that alcoholic beverages be allowed to be
93 consumed;

94 (f) a statement of the purpose of the:

95 (i) partnership;

96 (ii) corporation;

97 (iii) limited liability company;

98 (iv) church;

99 (v) political organization;

100 (vi) incorporated association; or

101 (vii) recognized subordinate lodge, chapter, or other local unit of an entity described in
102 Subsections (2)(f)(i) through (vi);

103 (g) a signed consent form stating that authorized representatives of the commission,
104 department, or any law enforcement officers will have unrestricted right to enter the premises
105 during the event;

106 (h) proper verification evidencing that the person signing the application is authorized
107 to act on behalf of the:

108 (i) partnership;

109 (ii) corporation;

110 (iii) limited liability company;

111 (iv) church;

112 (v) political organization;

113 (vi) incorporated association;

114 (vii) recognized subordinate lodge, chapter, or local unit of an entity described in
115 Subsections (2)(h)(i) through (vi);

116 (viii) state agency; or

117 (ix) political subdivision of the state including:

118 (A) a county; or

119 (B) a municipality; ~~and~~

120 (i) a request for the single event permit to be for a time period:

- 121 (i) described in Subsection 32A-7-101(2)(a)(i)(A); or
- 122 (ii) described in Subsection 32A-7-101(2)(a)(i)(B);
- 123 (j) if submitting the first request for single event permit in a calendar year, a request
- 124 that the single event permit be considered under Subsection 32A-7-101(3)(a) or
- 125 32A-7-101(3)(b); and
- 126 [~~(j)~~] (k) any other information as the commission or department may direct.
- 127 (3) [~~The~~] An applicant need not meet the requirements of Subsections (2)(a), (b), (c),
- 128 and (f) if the applicant is:
- 129 (a) a state agency; or
- 130 (b) a political subdivision of the state including:
- 131 (i) a county; or
- 132 (ii) a municipality.

Legislative Review Note
as of 1-25-08 9:42 AM

Office of Legislative Research and General Counsel

S.B. 165 - Alcoholic Beverage Single Event Permits

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
