

**CHAPTER 69 (HB 463)**

AN ACT relating to alcoholic beverage licenses at automobile race tracks and declaring an emergency.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 243.050 is amended to read as follows:

- (1) The department may issue a railroad system license to a railroad company upon the payment of the required fee. This license tax shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages.
- (2) The department may issue a commercial airlines system license to a commercial airlines system or charter flight system upon the payment of the required fee. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages and the license may be renewed annually. The license shall authorize the licensee to sell distilled spirits and wine by the drink and by miniature bottle, and malt beverages, upon regularly-scheduled or charter flights of the licensee, in and out of the State of Kentucky. The license shall authorize the licensee to store alcoholic beverages for retail sale at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application.
- (3) The department may issue a transporter's license to a commercial airline system, a charter flight system, or a commercial cargo system, upon the payment of the required fee. This license may be renewed annually. The license shall authorize the licensee to transport distilled spirits and wine and malt beverages, into and out of the State of Kentucky, upon regularly-scheduled or charter flights of the licensee. The license shall authorize, for the purpose of transportation, the storage of alcoholic beverages at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application. This license shall authorize an airline to transport if both the consignor and consignee in each case are authorized by the laws of the states of their residence to sell, purchase, ship, or receive the alcoholic beverages.
- (4) The department may issue a convention center or convention hotel complex license for the retail sale of distilled spirits, wine, and malt beverages for consumption on the premises to a convention center or hotel having seating capacity of one thousand (1,000) or more persons. The license shall cover all alcoholic beverage sales on the premises, except that a separate hotel in-room service license is required, where applicable. An applicant for the license shall meet the qualifications of KRS 243.055, and an extended supplement license under subsection (5) of this section may be issued. The convention center or convention hotel complex license shall be a nonquota license and shall not be transferable to other premises. The provisions of this subsection shall not apply to convention center licenses or the renewal thereof, other than those in a city of the first class or a county containing a city of the first class, if the original license was issued prior to July 15, 1998.
- (5) Where it is determined by the department to be in the best interest of promoting tourism, conventions, and the economic development of Kentucky or any part thereof, the department may issue a supplemental license for the retail sale of alcoholic beverages by the drink at convention centers, at horse race tracks licensed to conduct a race meeting under KRS Chapter 230, ~~and~~ at commercial airports through which more than five hundred thousand (500,000)

passengers arrive or depart annually, **and at automobile race tracks having a seating capacity of at least thirty thousand (30,000) people**. Upon application by the holder of a retail alcoholic beverage license at a convention center, convention hotel complex, horse race track, **automobile race track, meeting the requirements of this subsection**, or commercial airport as provided above, the department may establish the days when the supplemental license will be valid at the specific location, including Sundays after 1 p.m. The supplemental license fee shall be established, and shall be in addition to all other licenses and fees due by the holder in connection with the retailing of alcoholic beverages. The department may, by administrative regulation or special conditions of the supplemental permit, establish such restrictions on the use of the license as will insure that it will be primarily for the benefit of the convention business, the horse racing industry, ~~and~~ passengers at large commercial airports, **and the automobile racing industry**.

Section 2. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the administrator of the distilled spirits unit, the fees for which shall be:

- (1) Distiller's license, per annum ..... \$2,500.00
- (2) Rectifier's license, per annum ..... \$2,500.00
- (3) Blender's license, per annum ..... \$2,500.00
- (4) Vintner's license, per annum ..... \$1,000.00
- (5) Small winery license, per annum ..... \$100.00
  - (a) Small winery off-premises retail license, per annum ..... \$25.00
- (6) Wholesaler's license, per annum ..... \$2,000.00
- (7) Retail package license, per annum:
  - (a) In counties containing cities of the first class ..... \$800.00
  - (b) In counties containing cities of the second class .....  
\$700.00
  - (c) In counties containing cities of the third class  
..... \$600.00
  - (d) In counties containing cities of the  
fourth class ..... \$500.00
  - (e) In all other counties ..... \$400.00
- (8) Retail drink license, motel drink license, restaurant drink license, or supplemental bar license, per annum:
  - (a) In counties containing cities of the first class ..... \$1,000.00
  - (b) In counties containing cities of the second class .....  
\$700.00
  - (c) In counties containing cities of the third class  
..... \$600.00
  - (d) In counties containing cities of the fourth class ..... \$500.00
- (9) Transporter's license, per annum ..... \$100.00

(10) Dining car license, per annum .....	\$100.00
(11) Special nonbeverage alcohol vendor's license, per annum .....	\$50.00
(12) Special industrial alcohol license, per annum .....	\$50.00
(13) Special nonindustrial alcohol license, per annum .....	\$50.00
(14) Special agent's or solicitor's license, per annum .....	\$25.00
(15) Special storage or warehouse license and bottling house storage license, per annum .....	\$500.00
(16) Special temporary liquor license, per event .....	\$100.00
(17) Special private club license, per annum .....	\$300.00
(18) Special Sunday retail drink license, per annum .....	\$500.00
(19) Nonresident, special agent or solicitor's license, per annum .....	\$100.00
(20) Transport permit, nonresident license, per annum .....	\$100.00
(21) Through transporter's license, per annum .....	\$100.00
(22) Freight forwarder's license, per annum .....	\$100.00
(23) Restaurant wine license, per annum.....	\$500.00
(24) Farm winery license, per annum .....	\$100.00
(a) Farm winery, off-premises retail outlet license, per annum .....	\$25.00
(25) Special temporary wine license, per event .....	\$50.00
(26) Caterer's license, per annum .....	\$800.00
(27) Souvenir retail liquor license, per annum .....	\$500.00
(28) Special temporary distilled spirits and wine auction license, per event .....	\$100.00
(29) Airport drink license, per annum .....	\$1,000.00
(30) Convention center or convention hotel complex license, per annum .....	\$5,000.00
(31) Extended hours, supplemental license, per annum .....	\$2,000.00
(32) Horse race track license, per annum .....	\$2,000.00
(33) <b>Automobile race track license, per annum .....</b>	<b>\$2,000.00</b>
(34) Air or rail system license, per annum .....	\$2,000.00
<del>(35)</del> <del>(34)</del> Riverboat license, per annum .....	\$1,000.00
<del>(36)</del> <del>(35)</del> Bottling house license, per annum .....	\$1,000.00
<del>(37)</del> <del>(36)</del> Hotel in-room license, per annum .....	\$200.00
<del>(38)</del> <del>(37)</del> Bonded warehouse license, per annum .....	\$1,000.00

~~(39)~~~~(38)~~ Air transporter liquor license, per annum ..... \$500.00

~~(40)~~~~(39)~~ Replacement or duplicate license ..... \$25.00

~~(41)~~~~(40)~~ Other special licenses the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine and provides for by administrative regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.

A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application under this section, except for subsections (5), (9), (11), (12), (13), (14), (16), (19), (20), (21), (22), (24), (25), (28), and ~~(40)~~~~(39)~~. The application fee shall be applied to the licensing fee if the application is issued and shall be retained by the department if the license is denied.

Section 3. KRS 243.070 is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. The licenses may only be issued by the city administrator, and the fee shall not exceed the following:

(1) Distilled spirit licenses as set forth in KRS 243.030:

- (a) Distiller's license, per annum .....  
\$500.00
- (b) Rectifier's license, per annum .....  
\$3,000.00
- (c) Blender's license, per annum .....  
\$3,000.00
- (d) Wholesaler's distilled spirits and wine license, per annum ..... \$3,000.00
- (e) Distilled spirits and wine retail package license, per annum:
  - 1. In counties containing cities of the first class ..... \$1,200.00
  - 2. In counties containing cities of the second class ..... \$1,000.00
  - 3. In counties containing cities of the third class ..... \$800.00
  - 4. In counties containing cities of the fourth class ..... \$600.00
  - 5. In all other counties ..... \$400.00

(2) Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum:

- (a) In counties containing cities of the first class .....  
\$1,600.00
- (b) In counties containing cities of the second class .....  
\$1,000.00
- (c) In counties containing cities of the third class .....  
\$800.00
- (d) In counties containing cities of the fourth class ..... \$600.00

(3) Distilled spirits and wine special temporary liquor license, per event:

- (a) In counties containing cities of the first class .....  
 \$266.66 (b) In counties containing cities of the second class .....  
 \$166.66 (c) In counties containing cities of the third class .....  
 \$133.33
- (d) In counties containing cities of the fourth class ..... \$100.00
- (4) Special temporary wine license, per event ..... \$50.00
- (5) Distilled spirits and wine special temporary auction  
 license, per event ..... \$200.00
- (6) Special private club license, per annum ..... \$300.00
- (7) Distilled spirits and wine special Sunday retail drink  
 license, per annum ..... \$300.00
- (8) Extended hours supplemental license, per annum ..... \$2,000.00 (9)  
 Nonresident special agent or solicitor's license, per annum ..... \$40.00
- (10) Restaurant wine license, per annum:
- (a) New applicants ..... \$600.00
- (b) Applicants for renewal ..... \$400.00
- (11) Caterer's license, per annum ..... \$800.00
- (12) Riverboat license, per annum ..... \$1,200.00
- (13) Horse race track license, per annum ..... \$2,000.00
- (14) Convention center or convention hotel complex  
 license, per annum ..... \$2,000.00
- (15) ***Automobile race track license, per annum.....\$2,000.00***
- (16) Bottling house distilled spirits license or wine  
 storage license, per annum ..... \$1,000.00
- ~~(17)(16)~~ Souvenir retail liquor license, per annum ..... \$1,000.00
- ~~(18)(17)~~ Malt beverage licenses as follows:
- (a) Brewer's license, per annum ..... \$500.00 (b)  
 Microbrewery license, per annum ..... \$500.00 (c)  
 Malt beverage distributor's license, per annum ..... \$400.00 (d)  
 Retail malt beverage license, per annum ..... \$200.00 (e)  
 Special temporary retail malt beverage license, per event ..... \$25.00 (f)  
 Malt beverage brew-on-premises license, per annum ..... \$100.00

Section 4. Whereas the availability of alcoholic beverage sales by the drink at an automobile race track will spur economic growth and development and promote tourism in the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

**Approved March 6, 2000**