

1 AN ACT relating to alcoholic beverage licensing.

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

3 ➔Section 1. KRS 243.100 is amended to read as follows:

4 An individual shall not become a licensee if the individual:

- 5 (1) (a) Has been convicted of any felony until five (5) years have passed from the
6 date of conviction, release from custody or incarceration, parole, or
7 termination of probation, whichever is later;
- 8 (b) Has been convicted of any misdemeanor involving a controlled substance that
9 is described in or classified pursuant to KRS Chapter 218A in the two (2)
10 years immediately preceding the application;
- 11 (c) Has been convicted of any misdemeanor directly or indirectly attributable to
12 the use of alcoholic beverages in the two (2) years immediately preceding the
13 application;
- 14 (d) Is under the age of twenty-one (21) years;
- 15 (e) Has had any license relating to the regulation of the manufacture, sale, and
16 transportation of alcoholic beverages revoked for cause or has been convicted
17 of a violation of any statute within KRS Chapters 241 to 244, until the
18 expiration of two (2) years from the date of the revocation or conviction;~~[-or-]~~
- 19 (f) Is not a citizen of the United States and has not had an actual, bona fide
20 residence in this state for at least one (1) year before the date on which the
21 application for a license is made. This subsection shall not apply to applicants
22 for manufacturers' licenses, to applicants that are corporations authorized to
23 do business in this state, or to persons licensed on March 7, 1938;
- 24 **(g) Has any administrative action pending before the board or in a court of**
25 **law; or**
- 26 **(h) Has been denied an alcoholic beverage license and applies for an alcoholic**
27 **beverage license before two (2) years have passed since the decision became**

1 **final and non-appealable.**

2 (2) A partnership, limited partnership, limited liability company, corporation,
3 governmental agency, or other business entity recognized by law shall not be
4 licensed if:

5 (a) Each principal owner, partner, member, officer, and director does not qualify
6 under subsection (1)(a), (b), (c), (d), and (e) of this section;

7 (b) It has had any license relating to the regulation of the manufacture, sale, and
8 transportation of alcoholic beverages revoked for cause or has been convicted
9 of a violation of any statute within KRS Chapters 241 to 244, until the
10 expiration of two (2) years from the date of the revocation or conviction;~~or~~

11 (c) Any principal owner, partner, member, officer, or director, or any business
12 entity in which they were directly or indirectly interested, has had any license
13 revoked for cause or has been convicted of a violation of any statute within
14 KRS Chapters 241 to 244, until the expiration of the later of two (2) years
15 from the date of the revocation or two (2) years from the date of conviction;

16 **(d) Any principal owner, partner, member, officer, or director, or any business**
17 **entity in which they were directly or indirectly interested has any**
18 **administrative action pending before the board or in a court of law; or**

19 **(e) Any principal owner, partner, member, officer, or director, or any business**
20 **entity in which they were directly or indirectly interested has been denied an**
21 **alcoholic beverage license and applies for an alcoholic beverage license**
22 **before two (2) years have passed since the decision became final and non-**
23 **appealable.**

24 (3) The provisions of subsection (1)(a) and (b) shall apply to anyone applying for a new
25 license under this chapter after July 15, 1998, but shall not apply to those who
26 renew a license that was originally issued prior to July 15, 1998, or an application
27 for a supplemental license where the original license was issued prior to July 15,

1 1998.

2 (4) A person shall not evade license disqualification by applying for a license through
3 or under the name of a different person. The state administrators shall examine the
4 ownership, membership, and management of all license applicants, and shall deny
5 the application if a disqualified person has a direct or indirect interest in the
6 applicant's business. The department may issue administrative subpoenas and
7 summonses to determine ownership of an applicant or to investigate alleged
8 violations by a licensee.

9 ➔Section 2. KRS 243.390 is amended to read as follows:

10 (1) The board may require through the promulgation of an administrative regulation
11 that license applications contain the following information, given under oath:

12 (a) The name, age, Social Security number, address, residence, and citizenship of
13 each applicant;

14 (b) If the applicant is a partner, the name, age, Social Security number, address,
15 residence, and citizenship of each partner and the name and address of the
16 partnership;

17 (c) The name, age, Social Security number, address, residence, and citizenship of
18 each individual or partner interested in the business for which the license is
19 sought, together with the nature of that interest, and, if the applicant is a
20 corporation, limited partnership company, limited liability company, or other
21 business entity recognized by law, the name, age, Social Security number, and
22 address of each principal owner, member, officer, and director of the
23 applicant. The department may require the names of all owners and the
24 ownership percentage held by each;

25 (d) The premises to be licensed, stating the street and number, if the premises has
26 a street number, and a description that will reasonably indicate the location of
27 the premises;

- 1 (e) 1. A statement that neither the applicant nor any other person referred to in
2 this section has been convicted of:
- 3 a. Any misdemeanor directly or indirectly attributable to alcoholic
4 beverages;
- 5 b. Any violation involving a controlled substance that is described in
6 or classified pursuant to KRS Chapter 218A within the two (2)
7 years immediately preceding the application;
- 8 c. Any felony, within five (5) years from the later of the date of
9 parole or the date of conviction; or
- 10 d. Providing false information to the department preceding the
11 application; and
- 12 2. A statement that the applicant or any other person referred to in this
13 section has not had any license that has been issued under any alcoholic
14 beverage statute revoked for cause within two (2) years prior to the date
15 of the application, has no pending administrative action before the
16 board or a court of law, and is not applying less than two (2) years
17 after a previous denial has become final and non-appealable;
- 18 (f) A statement that the applicant will in good faith abide by every state and local
19 statute, regulation, and ordinance relating to the manufacture, sale, use of, and
20 trafficking in alcoholic beverages; and
- 21 (g) Any other information necessary for the department to administer KRS
22 Chapters 241 to 244.
- 23 (2) If, after a license has been issued, there is a change in any of the facts required to be
24 set forth in the application, a verified supplemental statement in writing giving
25 notice of the change shall be filed with the department within ten (10) days after the
26 change.
- 27 (3) In giving any notice or taking any action in reference to a license, the department

1 may rely upon the information furnished in the application or in the supplemental
2 statement connected with the application. This information, as against the licensee
3 or applicant, shall be conclusively presumed to be correct. The information required
4 to be furnished in the application or supplemental statement shall be deemed
5 material in any prosecution for perjury.