

**Title II – DEPARTMENT OF PUBLIC SAFETY  
Division 70-Division of Alcohol and Tobacco Control  
Chapter 2-Rules and Regulations**

**PROPOSED AMENDMENT**

**11 CSR 70-2.020 Application for License.** The division is amending all sections.

*Purpose – To revise this section that prescribes forms and applications and establishes procedures for the issuance of all intoxicating liquor licenses to reflect the elimination of Chapter 312, RSMo, regarding nonintoxicating beer. In addition, the Division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections. The requirement that every applicant must present the application to the agent in charge of the territory where the applicant does business has been removed due to increases in size of agents territories and possible changes to be made as a result of such. Language is updated where needed to reflect changes in standard operating procedures.*

(1) Applications for licenses **including payment for the correct amount of the license fee** *[must be addressed to the Supervisor of Alcohol and Tobacco Control, Jefferson City, MO 65101]* **are to be submitted to the Supervisor of Alcohol and Tobacco Control at the Central Office in Jefferson City, or any operational Alcohol and Tobacco Control field office within the state.** *[A bank draft, United States or express money order, certified check or cashier's check made payable to the director of revenue of Missouri for the correct amount of the license fee shall accompany the application. Remittance for renewal of licenses filed on or before the first day of May of each year may be made by personal or business check. If such check is returned for insufficient funds, the division will notify the licensee, by regular mail to the licensee's address listed on the renewal application, of the return, and the licensee shall replace such check within fourteen (14) days from the date the division mails said notice, by remitting payment by certified check, cashier's check or other form of guaranteed funds.]* **If payment is rejected for insufficient funds and the licensee has not replaced such [check] payment within [said] fourteen (14) days of notification with sufficient funds,** then beginning with the fifteenth day, if such licensee's renewed license has been issued, such renewed license shall be suspended until the day following the day the licensee makes restitution for the insufficient funds **[check] payment,** or if such licensee's renewed license has not been issued, the renewed license shall not be issued until on or after the day following the day the licensee makes restitution for the insufficient funds **[check] payment.**

(2) Application **[must] is to** be made on the forms prescribed **[and provided]** by the supervisor.

(3) *Every applicant for a license must present his/her application to the agent in charge of the territory where the applicant wishes to do business.*

(4) *Licenses will be granted in the order in which the applications are received at the office of the supervisor in Jefferson City.*

(5) *No agent [has any right or authority to] **may** authorize any applicant to exercise the privileges of the license applied for pending its issuance.*

*[(6) Every applicant for a license to sell intoxicating liquor or nonintoxicating beer shall set out in his/her application a description of each and every federal tax stamp, designating the applicant or his/her premises as the person or place for dealing in intoxicating liquor or malt liquor in his/her possession or on the premises for which s/he seeks a license.*

(7) **(4)** *If application is made by a partnership, the application [shall] **should** set out the names and residences of all the partners, whether they be active or silent partners. All partners shall qualify under the laws of Missouri for the license. All partners [shall] **are to** sign the application.*

**(5)** *If application is made by an entity, the application should set out the names and residences of any officers and all members or shareholders, whether they be active or silent investors. All members or shareholders shall qualify under the laws of Missouri for the license.*

*[(8) (6) No license [shall] **may** be granted to an applicant unless s/he makes full, true and complete answers to all questions in the application. [If any applicant shall make a]Any false answer to any question in the application or [make any] false statement of a material matter in his/her application, [it shall] **may** be cause for suspension or revocation of any license issued pursuant to the application.*

*[(9) (7) Violation of any oath taken by a licensee in connection with his/her application for a license [shall be deemed] **is** cause for suspension or revocation of the license where an oath is [required] **necessary**, by any statute of Missouri or any regulation of the [s]Supervisor of [liquor] **Alcohol and Tobacco [c]Control**, to be taken.*

*[(10) (8) If the Supervisor of Alcohol and Tobacco Control has reason to believe that an applicant has a criminal record and is not a person of good moral character, the supervisor may [require] **request** that the applicant submit to being fingerprinted and fingerprints forwarded to the Department of Justice to ascertain if the applicant has been convicted of any crime.*

*[(11) (9) The surety on the bond of any licensee at any time may notify the Supervisor of Alcohol and Tobacco Control and the licensee that s/he desires after a date named, which [shall be] **is** at least thirty (30) days after the receipt of*

notification by the licensee and the supervisor, to be relieved of liability on the bond. Upon receipt, the privileges of the principal under the license as is supported by the bond *[shall]* **may** be terminated and cancelled on the date specified, unless supported by other sufficient bond(s), and the surety *[shall]* **can** be relieved of liability on the bond for any default of the principal accruing on and after the date named.

*[(12)]* **(10)** Every applicant for a **liquor license of any kind** *[to sell intoxicating liquor or nonintoxicating beer at retail or for a license to permit consumption of liquor must]* **will** present *[the following with his/her application:]* **all applicable items listed on the checklist of requirements that corresponds to the application form as prescribed by the Supervisor of Alcohol and Tobacco Control.**

*[(A)]* There must be attached securely to the application in the space designated, a recent photograph or clear snapshot of the individual(s) signing the application;

*[(B)]* If application is being made for an original package license an affidavit by the individual owner, all of the partners, if a partnership, or the managing officer of a corporation, if a corporation, must be submitted, stating the type of business applicant is engaged in and in connection with which the license is to be used and stating that the applicant has and at all times keeps in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000), exclusive of fixtures and intoxicating liquors. A stock inventory shall accompany the application;

*[(C)]* Every applicant for a three and two tenths percent (3.2%) beer license shall take and subscribe the oath required by section 312.070, RSMo and it shall be attached to and accompany the application;

*[(D)]* A recent photograph approximately the size of an ordinary postcard of the exterior of the premises sought to be licensed shall be attached to the application;

*[(E)]* Every applicant shall submit a copy of his/her tax receipt, for the year immediately preceding the date of the application, of the county, town, city or village where s/he resides in Missouri, or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of the corporation of the county, town, city or village in Missouri where the managing officer resides or, in lieu of the tax receipt, an affidavit of the county or city assessor where the applicant resides, or, if applicant is a corporation where the managing officer of the corporation resides, stating that applicant or the managing officer of the corporation, if a corporation, owns property for which s/he is legally subject and liable to taxation in the county, town, city or village where applicant or, if a corporation, the managing officer of the applicant, resides in Missouri;

*(F) The Supervisor of Alcohol and Tobacco Control shall accept either personal or corporate bonds.*

*1. If the bond is a personal bond, there must be attached to it an affidavit and certificate signed by either an abstract company or a title insurance company in the following form:*

*Affidavit and Certificate*

*I, \_\_\_\_\_ being duly sworn upon my oath, state and certify that I have examined the records pertaining to the property described as (give legal description as it appears on affidavit of sureties on bond) \_\_\_\_\_ that the present recorded owner (owners) is (are) \_\_\_\_\_ that the mortgage encumbrances against said property are \_\_\_\_\_ (give name of mortgagor and mortgagee, and amount of mortgage and where recorded) \_\_\_\_\_ that the assessed value for taxation of said property is that all taxes due and owing on said property are paid; that there are no unsatisfied judgments recorded against the above named owner (owners) of said property and that there are no pending bankruptcy proceedings in any of the divisions of the District Court of the United States for any district in Missouri, against or by any of the owners of said property.*

*Abstract Company or Title Insurance Company*

*By: \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_*

*2. If the bond is a personal bond, there also must be attached to it an affidavit by the surety (or sureties) in the following form:*

*I, \_\_\_\_\_ being duly sworn upon my oath, state that the following are all of the bonds, notes and other instruments of potential liability upon which I am or may become liable, (List in detail.) \_\_\_\_\_*

*(Surety or sureties, name)*

*Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_*

*Notary Public*

*My commission expires: \_\_\_\_\_;*

*(G) Each applicant for a retail license to sell intoxicating liquor and nonintoxicating beer shall submit before any license is issued or renewed under the provisions of Chapter 311 or 312, RSMo, each applicant shall submit with his/her application a certificate of no sales or use tax due from the director of revenue; and*

*[(H) If application is being made by a corporation, applicant shall present a copy of its franchise tax receipt, provided the corporation has been in existence for a period of sufficient length to have incurred liability for the tax.*

*(13) All applications for wholesale, licenses must be made on blanks furnished by the Division of Alcohol and Tobacco Control and all information and data set out as required on the blanks must be furnished at the time the application is submitted.*

**(14) (11)** No license *[will] may* be issued to the spouse, child(ren), step-child(ren), parent(s), stepparent( s), son-in-law or daughter-in-law, employee or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location or in close proximity to the location of the establishment whose license was revoked **until a period of five years after the date of the revocation of the license, and then at the discretion of the Supervisor of Alcohol and Tobacco Control.**

**[(15) (12)** The Supervisor of Alcohol and Tobacco Control, at his *[ or ]*her discretion and for good cause, may issue a temporary license for up to ten days. A completed application with all required current documents and payment of license fees and any late charges must be in receipt of the Division of Alcohol and Tobacco Control before a temporary license *[will] may* be considered by the Supervisor of Alcohol and Tobacco Control. *[An original signature of the Supervisor of Alcohol and Tobacco Control or his or her designee is required for this temporary license to be effective.]*

*AUTHORITY: section 311.660, RSMo [2000] 2018. \* This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Sept. 22, 1998, effective March 30, 1999. Amended: Filed June 5, 2008. Amended: Filed October 10, 2018.*

*\*Original authority: 311.660, RSMo 1939, amended 1989.*

***Brown-Forman Distillers Corp. v. Stewart***, 520 SW2d 1 (Mo. banc 1975). *Separate licenses are required for every phase of the liquor traffic and manufacturers, wholesalers and retailers are statutorily categorized as distinct separate phases thereof. The statutes indicate a legislative intent to preclude a licensee in one phase of the liquor traffic from controlling traffic in liquor in its entirety.*

***Pinzio v. Supervisor of Liquor Control***, 334 SW2d 20 (1960). *A review of the statutes makes it clear that the legislature has vested sole discretion in the supervisor (of liquor*

control) to issue or refuse to issue each license, whether one of original issue or a renewal and that a hearing is not an essential prerequisite to the lawful exercise of that sole discretion. Failure to hold a hearing prior to the refusal to issue a denial of due process is in violation of the pertinent provisions of the state and federal constitutions.

**State ex rel. Floyd v. Philpet et al.**, 266 SW2d 704 (Mo. banc 1954). The exclusive authority to determine whether statutory qualifications for an applicant for a state license to sell intoxicating liquor at retail had been met and the authority to issue such licenses is vested in the state supervisor of liquor control.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Alcohol and Tobacco Control at 1738 East Elm Street, Lower Level in Jefferson City, Mo 65101 or by facsimile at 573-526-4540, or via email at [Karen.Dorton@dps.mo.gov](mailto:Karen.Dorton@dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.