

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

PROPOSED AMENDMENT

**11 CSR 70-2.030 Change of Facts, Posting, Transfer and Lost Licenses—
Executors— Administrators.** The division is amending all sections.

Purpose – To revise this section that establishes procedure for reporting changes in status of license, transfer, death of licensee or managing officer, loss of, etc.; to reflect the elimination of Chapter 312, RSMo, regarding nonintoxicating beer. The Division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections.

(1) *[If during the period for which a license is granted there be any change of facts or information differing from that set forth in the original or in any renewal application on file with the supervisor of liquor control, w]Written notice [shall be given him/her within ten (10) days after the change] is to be provided to the supervisor of alcohol and tobacco control if any factor or information changes from what is set forth on an application during a period of licensure.*

(2) *[Before commencing or doing any business for the time for which a Missouri state license has been granted, the license shall be posted and at all times during the term of the license, kept] A license issued pursuant to this chapter is to be displayed in a conspicuous place on the premises where the business is carried on, as well as any city license designating the premises as a place to sell intoxicating liquor. [so that all persons visiting the premises may readily see the license.*

(A) *No licensee shall post the license or allow the license to be posted upon premises other than the] A license may only be posted at the premises [licensed or upon premises] where traffic in intoxicating liquor [or nonintoxicating beer] is being carried on by any person other than the licensee. [or] A license may not be knowingly defaced, destroyed or altered [any the license in any respect.*

(B) *Every licensee, licensed by Missouri to sell intoxicating liquor or nonintoxicating beer, also shall keep displayed prominently at all times while his/her Missouri license is in effect, on his/her licensed premises, all federal tax stamps issued to him/her or to any other person designating him/her or the licensed premises as a person or place authorized by the federal government to deal in intoxicating liquors, and s/he shall submit all federal tax stamps to the supervisor of liquor control or any agent of the Division of Liquor Control, for examination, at any time s/he is requested by the supervisor or the agent to do so and permit the supervisor or agent to take a copy of the tax stamps. Every licensee also shall keep displayed prominently at all times on his/her licensed premises any city license designating him/her or his/her premises as a place licensed by the city to sell intoxicating liquors or nonintoxicating beer].*

(3) *[A license, in the discretion of t]The supervisor of [liquor] alcohol and tobacco control[,] may allow a license to be transferred to any other premises or to any other part of the building containing the licensed premises, provided the premises sought to be licensed meets the requirements of the law. The supervisor first must approve in writing*

the transfer and the application for permission to transfer *[shall be in writing and set forth]*~~including~~—

(A) Name and address of licensee;

(B) Address and legal description of premises to which removal is sought, together with name and address of landlord;

(C) An affidavit by the licensee that s/he has not violated any provisions of the Liquor Control Act *[or Nonintoxicating Beer Law]* or any rule of the supervisor; and

(D) *[In addition, the licensee must file with the supervisor a] A consent of surety(ies), [which consent if the bond was signed by private individuals, must be] signed [by those individuals, and witnessed] by private individuals in the same manner in which the signatures appear on the bond itself [and their signatures there to must be witnessed]. If the bond was signed by a surety company, the consent [must] **needs to** be signed by a duly authorized officer or attorney-in-fact of the company whose authority or power of attorney is on file in the Division of *[Liquor] Alcohol and Tobacco* Control. *[The consent shall be so drawn that the surety(ies) remain liable on the bond of the licensee at the new location. Forms of the consent required by the regulation will be supplied by the supervisor upon request.]**

(4) Whenever a license *[shall be] is* lost or destroyed without fault on the part of the licensee or his/her agents or employees, a duplicate license in lieu of the lost or destroyed license *[will] may* be issued by the supervisor of *[liquor] alcohol and tobacco* control without cost to the licensee. *[Application for a duplicate license shall be by affidavit of the licensee which shall be set forth—*

(A) *Date upon which license was lost or destroyed;*

(B) *Circumstances under which license was lost or destroyed; and*

(C) *Request that duplicate license be issued.]*

(5) Unless licensed by the supervisor of *[liquor] alcohol and tobacco* control as such, no receiver, assignee, trustee, guardian, administrator or executor may sell any intoxicating liquor *[or nonintoxicating beer]* belonging to the estate over which s/he has control, except to a licensed wholesaler or retailer *[and s/he must first procure] except with* the consent of the supervisor of *[liquor] alcohol and tobacco* control to sell the **intoxicating** liquor *[or beer]*. *[Consent will not be given unless t]The supervisor [has been provided with] may consent after receiving* the following documents and information:

(A) A copy of the order of the court having jurisdiction over the estate authorizing the sale; and

(B) A joint affidavit signed by the receiver, assignee, trustee, guardian, administrator or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale and the license number of the purchaser.

(6) In the event that a licensee's license has been lost, stolen, destroyed or a transfer to another place of business is desired, an agent or inspector, with the approval of the supervisor, may issue a special certificate which will allow the licensee to continue his/her business. In no event *[shall]* **may** the special certificate continue in effect for more than ten (10) days from the date of issuance.

(7) Corporations licensed under the provisions of section[s] 311.060 *[and 312.040]*, RSMo, *[must]* **are to** have a managing officer **who is***[. In order to qualify, the managing officer must be]* a person in the corporation's employ, either as officer or an employee *[who is vested]* with the general control and superintendence. *[of a whole, or a particular part of, the corporation's business at a particular place.]*

(A) *[In the event]* **if a vacancy occurs** in the office of the managing officer, *[of a corporation becomes vacant, it will be necessary for the corporation to secure a managing officer]* **than a replacement qualified pursuant to section 311.060, RSMo, shall be named** within fifteen (15) days *[after]* of the vacancy *[occurs, with a managing officer being qualified under the provisions of sections 311.060 and 312.040, RSMo].*

AUTHORITY: section 311.660, RSMo Supp. [1989] 2018. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed October 10, 2018.

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

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. 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.*