

2015 -- H 5902

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Introduced By: Representatives Winfield, and Costantino

Date Introduced: March 13, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 3-7-7 of the General Laws in Chapter 3-7 entitled "Retail Licenses"  
2 is hereby amended to read as follows:

3           **3-7-7. Class B license.** -- (a) (1) A retailer's Class B license is issued only to a licensed  
4 bona fide tavern keeper or victualer whose tavern or victualing house may be open for business  
5 and regularly patronized at least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m.  
6 provided no beverage is sold or served after one o'clock (1:00) a.m., nor before six o'clock (6:00)  
7 a.m. Local licensing boards may fix an earlier closing time within their jurisdiction, at their  
8 discretion. The East Greenwich town council may, in its discretion, issue full and limited Class B  
9 licenses which may not be transferred, but which shall revert to the town of East Greenwich if not  
10 renewed by the holder. The Cumberland town council may, in its discretion, issue full and limited  
11 Class B licenses which may not be transferred to another person or entity, or to another location,  
12 but which shall revert to the town of Cumberland if not renewed by the holder. [The Smithfield](#)  
13 [town council may, in its discretion, issue full and limited Class B licenses which may not be](#)  
14 [transferred to another person or entity, or another location, but which shall revert to the town of](#)  
15 [Smithfield if not renewed by the holder.](#)

16           The Pawtucket city council may, in its discretion, issue full and limited Class B licenses  
17 which may not be transferred to another person or entity, or to another location, but which shall  
18 revert to the city of Pawtucket if not renewed by the holder. This legislation shall not affect any  
19 Class B license holders whose licenses were issued by the Pawtucket city council with the right to

1 transfer.

2 (2) The license authorizes the holder to keep for sale and sell beverages including beer in  
3 cans, at retail at the place described and to deliver them for consumption on the premises or place  
4 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging  
5 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is  
6 posted at the entrance of the establishments in a prominent place.

7 (3) Holders of licenses are not permitted to hold dances within the licensed premises,  
8 unless proper permits have been properly obtained from the local licensing authorities.

9 (4) Any holder of a Class B license may, upon the approval of the local licensing board  
10 and for the additional payment of two hundred dollars (\$200) to five hundred dollars (\$500), open  
11 for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before  
12 legal state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m.  
13 license shall be advertised by the local licensing board in a newspaper having a circulation in the  
14 county where the establishment applying for the license is located.

15 (5) A holder of a retailer's Class B license is allowed to erect signs advertising his or her  
16 business and products sold on the premises, including neon signs, and is allowed to light those  
17 signs during all lawful business hours, including Sundays and holidays.

18 (6) Notwithstanding the provisions of subsection (a) and/or § 3-7-16.4, a holder of a  
19 retail class B and/or class ED license may apply to the municipality in which such licensee is  
20 located for a permit to conduct a so-called "Lock-In Event", under the following conditions:

21 (i) A "Lock-In Event" is defined as an event where a specified group of individuals are  
22 permitted to remain in a licensed premises after closing hours including, but not limited to, the  
23 hours of 1:00 a.m. to 6:00 a.m.

24 (ii) A Lock-In Event must have the approval of the municipal licensing authority  
25 pursuant to a permit issued for each such event, subject to such conditions as such may attach to  
26 the permit. The fee for the permit shall be not less than fifty dollars (\$50.00) nor more than one  
27 hundred dollars (\$100). The granting or denial of a Lock-In Event permit shall be in the sole  
28 discretion of the municipal licensing authority and there shall be no appeal from the denial of  
29 such a permit.

30 (iii) During the entire period of any Lock-In Event, all alcoholic beverages must be  
31 secured in place or removed from the public portion of the premises and secured to the  
32 satisfaction of the municipality issuing the Lock-In Event permit.

33 (iv) During the Lock-In Event, the establishment shall be exclusively occupied by the  
34 Lock-In Event participants and no other patrons shall be admitted to the premises who are not

1 participants. It shall be a condition of the permit that participants shall not be admitted more than  
2 thirty (30) minutes after the permitted start time of the Lock-In Event, except in the event of  
3 unforeseen travel delays, nor permitted to re-enter the event if they leave the licensed premises.

4 (v) As part of the Lock-In Event, food shall be served.

5 (vi) The municipal licensing authority may, in its sole discretion, require the presence of  
6 a police detail, for some or all of the event, and the number of officers required, if any, shall be  
7 determined by the municipality as part of the process of issuing the Lock-In Event permit. The  
8 licensee shall be solely responsible for the cost of any such required police detail.

9 (b) The annual license fee for a tavern keeper shall be four hundred dollars (\$400) to two  
10 thousand dollars (\$2,000), and for a victualer the license fee shall be four hundred dollars (\$400)  
11 to two thousand dollars (\$2,000). In towns with a population of less than two thousand five  
12 hundred (2,500) inhabitants, as determined by the last census taken under the authority of the  
13 United States or the state, the fee for each retailer's Class B license shall be determined by the  
14 town council, but shall in no case be less than three hundred dollars (\$300) annually. If the  
15 applicant requests it in his or her application, any retailer's Class B license may be issued limiting  
16 the sale of beverages on the licensed premises to malt and vinous beverages containing not more  
17 than twenty percent (20%) alcohol by volume, and the fee for that limited Class B license shall be  
18 two hundred dollars (\$200) to one thousand five hundred dollars (\$1,500) annually. The fee for  
19 any Class B license shall in each case be prorated to the year ending December 1 in every  
20 calendar year.

21 (1) Upon the approval and designation of a district or districts within its city or town by  
22 the local licensing board, the local licensing board may issue to any holder of a Class B license or  
23 a Class ED license, an extended hours permit to extend closing hours on Thursdays, Fridays and  
24 Saturdays, the night before a legal state holiday or such other days as determined by the local  
25 board, for one hour past such license holder's legal closing time as established by the license  
26 holder's license or licenses including, but not limited to, those issued pursuant to subdivision (4)  
27 hereof. The extended hours permit shall not permit the sale of alcohol during the extended one-  
28 hour period and shall prohibit the admittance of new patrons in the establishment during the  
29 extended one-hour period. The designation of such district(s) shall be for a duration of not less  
30 than six (6) months. Prior to designating any such district, the local licensing authority shall hold  
31 a hearing on the proposed designation. The proposed designation shall include the boundaries of  
32 the proposed district, the applicable days for the extended hours, and the duration of the  
33 designation and the conditions imposed. The proposed designation shall be advertised at least  
34 once per week for three (3) weeks prior to the hearing in a newspaper in general circulation in the

1 city or town. The city or town will establish an application process for an extended hours permit  
2 for such license holder and may adopt rules and regulations to administer the permit.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

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- 1           This act would permit the Smithfield town council to issue limited Class B licenses which
- 2   revert to the town of Smithfield if not renewed by the holder.
- 3           This act would take effect upon passage.

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