

SENATE BILL NO. 108

INTRODUCED BY LOWE, KOLSTAD, BOYLAN, MEHRENS

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Business and Industry.
January 17, 1979	Fiscal note requested.
January 23, 1979	Fiscal note returned.
January 24, 1979	Committee recommend bill do pass as amended. Report adopted.
January 25, 1979	Printed and placed on members' desks.
January 26, 1979	Second reading, indefinitely postponed.
January 27, 1979	On motion, Senate reconsider its action taken on second reading previous Legislative Day and place on second reading. Motion adopted. On motion, taken from second reading and rereferred to Committee on Business and Industry.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass.
February 8, 1979	Considered correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Business and Industry.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 5, 1979	Second reading, concurred in.
March 7, 1979	Third reading, concurred in.

IN THE SENATE

March 8, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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 2 INTRODUCED BY *Adair* BILL NO. *108*
Love Kelsch Boylan Inehrens

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE
 5 DEPARTMENT OF REVENUE TO LICENSE THE CATERING OF ALCOHOLIC
 6 BEVERAGES OFF THE PREMISES OF A TAVERN; AMENDING SECTION
 7 16-4-204, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4-204, MCA, is amended to read:
 11 "16-4-204. Contents of license -- posting -- privilege
 12 -- transfer -- expiration. (1) Every license issued under
 13 this part shall set forth the name of the person to whom
 14 issued, the location, by street and number or other
 15 appropriate specific description of location if no street
 16 address exists, of the premises where the business is to be
 17 carried on under said license, and such other information as
 18 the department shall deem necessary. If the licensee is a
 19 partnership or if more than one person has any interest in
 20 the business operated under the license, the names of all
 21 persons in the partnership or interested in the business
 22 must appear on the license. Every license must be posted in
 23 a conspicuous place on the premises wherein the business
 24 authorized under the license is conducted, and such license
 25 shall be exhibited upon request to any authorized

1 representative of the department or to any peace officer of
 2 the state of Montana.

3 (2) Any license issued under the provisions of this
 4 part shall be considered a privilege personal to the
 5 licensee named in the license and shall be good until the
 6 expiration of the license unless sooner revoked or
 7 suspended.

8 (3) A license may be transferred to the executor or
 9 administrator of the estate of any deceased licensee when
 10 such estate consists in whole or in part of the business of
 11 selling liquor under a license, and in such event the
 12 license may descend or be disposed of with the business to
 13 which it is applicable under appropriate probate
 14 proceedings.

15 (4) In the event of a major loss or damage to licensed
 16 premises by unforeseen natural causes or in case of
 17 expiration of lease of the licensed premises or in the event
 18 of eviction or increase of rent by the landlord (in case of
 19 rented licensed premises) or in case of proposed removal of
 20 license to premises as substantially suited for the retail
 21 liquor business as the premises vacated, the licensee may
 22 apply to the department for a transfer of the license to
 23 different premises. The department may in its discretion
 24 permit a transfer in such cases if it appears to the
 25 department that such a transfer is required to do justice to

1 the licensee applying for the transfer. The department
 2 shall in no event nor for any cause permit a transfer to
 3 different premises where the sanitary, health, and service
 4 facilities are less satisfactory than such facilities which
 5 exist or had existed at the premises from which the transfer
 6 is proposed to be made.

7 (5) Upon a bona fide sale of the business operated
 8 under any license, the license may be transferred to a
 9 qualified purchaser. No transfer of any license as to
 10 person or location shall be effective unless and until
 11 approved by the department, and any licensee or transferee
 12 or proposed transferee who operates or attempts to operate
 13 under any supposedly transferred license prior to the
 14 approval of such transfer by the department, endorsed upon
 15 the license in writing, shall be considered as operating
 16 without a license and the license affected may be revoked or
 17 suspended by the department. The department may, within its
 18 discretion, permit a qualified purchaser to operate the
 19 business to be transferred pending final approval, providing
 20 the application for transfer has been filed with the
 21 department.

22 (6) (a) A license may be transferred to a new
 23 ownership and to a location outside the quota area for which
 24 it was originally issued only when the following criteria
 25 are met:

1 (i) the total number of all-beverages licenses in the
 2 original quota area exceeded the quota for that area by at
 3 least 25% in the most recent census;

4 (ii) the total number of all-beverages licenses in the
 5 quota area to which the license would be transferred did not
 6 exceed that area's quota by more than 25% in the most recent
 7 census; and

8 (iii) the department finds, after a public hearing,
 9 that the public convenience and necessity would be served by
 10 such a transfer.

11 (b) A license transferred between quota areas under
 12 this section may not be mortgaged or pledged as security and
 13 may not be transferred to another person except for a
 14 transfer by inheritance upon the death of the licensee. A
 15 license transferred between quota areas under this section
 16 may be held only by natural persons. For the purpose of
 17 this section, natural persons shall not include limited
 18 partnerships or other business entities of any kind in which
 19 each natural person is not a full participant in the
 20 ownership and operation of the business authorized by the
 21 license.

22 ~~(7) The department may issue a catering endorsement to~~
 23 ~~an all-beverages license upon application by the licensee~~
 24 ~~and upon finding that the licensee is equipped to cater~~
 25 ~~alcoholic beverages to gatherings of persons upon premises~~

1 ~~other than his tavern on a sporadic and unscheduled basis.~~
2 ~~The licensee shall obtain prior written approval from the~~
3 ~~department for each gathering he intends to cater and shall~~
4 ~~display this approval on the premises in which the catered~~
5 ~~gathering occurs. The fees are \$50 for the catering~~
6 ~~endorsement and \$10 for each prior written approval.~~

7 ~~(7)(B)~~ Except as above provided, no license shall be
8 transferred or sold nor shall it be used for any place of
9 business not described in the license; provided, however,
10 that such license may be subject to mortgage and other valid
11 liens, in which event the name of the mortgagee, upon
12 application to and approval of the department, must be
13 endorsed on the license.

14 ~~(8)(2)~~ All licenses shall expire at midnight of June
15 30 of each year."

-End-

SE 108

Approved by Committee
on Business and Industry

SENATE BILL NO. 108

INTRODUCED BY LOWE, KOLSTAD, BOYLAN, MEHRENS

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE DEPARTMENT OF REVENUE TO LICENSE THE CATERING OF ALCOHOLIC BEVERAGES OFF THE PREMISES OF A TAVERN; AMENDING SECTION 16-4-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-204, MCA, is amended to read:

"16-4-204. Contents of license -- posting -- privilege -- transfer -- expiration. (1) Every license issued under this part shall set forth the name of the person to whom issued, the location, by street and number or other appropriate specific description of location if no street address exists, of the premises where the business is to be carried on under said license, and such other information as the department shall deem necessary. If the licensee is a partnership or if more than one person has any interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license. Every license must be posted in a conspicuous place on the premises wherein the business authorized under the license is conducted, and such license shall be exhibited upon request to any authorized

representative of the department or to any peace officer of the state of Montana.

(2) Any license issued under the provisions of this part shall be considered a privilege personal to the licensee named in the license and shall be good until the expiration of the license unless sooner revoked or suspended.

(3) A license may be transferred to the executor or administrator of the estate of any deceased licensee when such estate consists in whole or in part of the business of selling liquor under a license, and in such event the license may descend or be disposed of with the business to which it is applicable under appropriate probate proceedings.

(4) In the event of a major loss or damage to licensed premises by unforeseen natural causes or in case of expiration of lease of the licensed premises or in the event of eviction or increase of rent by the landlord (in case of rented licensed premises) or in case of proposed removal of license to premises as substantially suited for the retail liquor business as the premises vacated, the licensee may apply to the department for a transfer of the license to different premises. The department may in its discretion permit a transfer in such cases if it appears to the department that such a transfer is required to do justice to

1 the licensee applying for the transfer. The department
2 shall in no event nor for any cause permit a transfer to
3 different premises where the sanitary, health, and service
4 facilities are less satisfactory than such facilities which
5 exist or had existed at the premises from which the transfer
6 is proposed to be made.

7 (5) Upon a bona fide sale of the business operated
8 under any license, the license may be transferred to a
9 qualified purchaser. No transfer of any license as to
10 person or location shall be effective unless and until
11 approved by the department, and any licensee or transferee
12 or proposed transferee who operates or attempts to operate
13 under any supposedly transferred license prior to the
14 approval of such transfer by the department, endorsed upon
15 the license in writing, shall be considered as operating
16 without a license and the license affected may be revoked or
17 suspended by the department. The department may, within its
18 discretion, permit a qualified purchaser to operate the
19 business to be transferred pending final approval, providing
20 the application for transfer has been filed with the
21 department.

22 (6) (a) A license may be transferred to a new
23 ownership and to a location outside the quota area for which
24 it was originally issued only when the following criteria
25 are met:

1 (i) the total number of all-beverages licenses in the
2 original quota area exceeded the quota for that area by at
3 least 25% in the most recent census;

4 (ii) the total number of all-beverages licenses in the
5 quota area to which the license would be transferred did not
6 exceed that area's quota by more than 25% in the most recent
7 census; and

8 (iii) the department finds, after a public hearing,
9 that the public convenience and necessity would be served by
10 such a transfer.

11 (b) A license transferred between quota areas under
12 this section may not be mortgaged or pledged as security and
13 may not be transferred to another person except for a
14 transfer by inheritance upon the death of the licensee. A
15 license transferred between quota areas under this section
16 may be held only by natural persons. For the purpose of
17 this section, natural persons shall not include limited
18 partnerships or other business entities of any kind in which
19 each natural person is not a full participant in the
20 ownership and operation of the business authorized by the
21 license.

22 ~~iii) The department may issue a catering endorsement to~~
23 ~~an all-beverages license upon application by the licensee~~
24 ~~and upon finding that the license is equipped to cater~~
25 ~~alcoholic beverages to gatherings of persons upon premises~~

1 ~~other than his tavern on a periodic and unscheduled basis~~
 2 ~~the licensee shall obtain prior written approval from the~~
 3 ~~department for each gathering he intends to cater and shall~~
 4 ~~display this approval on the premises in which the catered~~
 5 ~~gathering occurs. The fees are \$50 for the catering~~
 6 ~~endorsement and \$10 for each prior written approval.~~

7 (7) (A) ANY ALL-BEVERAGE LICENSEE IS, UPON THE
 8 APPROVAL AND IN THE DISCRETION OF THE LIQUOR DIVISION,
 9 ENTITLED TO A CATERING ENDORSEMENT TO HIS ALL-BEVERAGE
 10 LICENSE TO ALLOW THE CATERING AND SALE OF ALCOHOLIC
 11 BEVERAGES TO PERSONS ATTENDING A SPECIAL EVENT UPON PREMISES
 12 NOT OTHERWISE LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES
 13 SUCH BEVERAGES TO BE CONSUMED ON THE PREMISES WHERE THE
 14 EVENT IS HELD.

15 (B) A WRITTEN APPLICATION FOR A CATERING ENDORSEMENT
 16 AND AN ANNUAL FEE OF \$50 MUST BE SUBMITTED TO THE DEPARTMENT
 17 FOR ITS APPROVAL.

18 (C) A WRITTEN APPLICATION FOR EACH EVENT FOR WHICH THE
 19 LICENSEE INTENDS TO PROVIDE CATERING SERVICES AND FEE OF \$20
 20 MUST BE FILED WITH THE DEPARTMENT AT LEAST 10 DAYS PRIOR TO
 21 THE EVENT AND SHALL DESCRIBE THE LOCATION OF THE PREMISES
 22 WHERE THE EVENT IS TO BE HELD, THE NATURE OF THE EVENT, AND
 23 THE PERIOD DURING WHICH THE EVENT IS TO BE HELD. IF
 24 OBTAINED, THE LICENSEE SHALL DISPLAY IN A PROMINENT PLACE ON
 25 THOSE PREMISES, THE WRITTEN APPROVAL FROM THE DEPARTMENT FOR

1 EACH EVENT WHICH IS CATERED PURSUANT TO THIS SUBSECTION.

2 (D) THE LICENSEE SHALL FILE WITH EACH APPLICATION FOR
 3 AN EVENT TO BE CATERED A WRITTEN STATEMENT OF APPROVAL OF
 4 THE PREMISES WHERE THE EVENT IS TO BE HELD ISSUED BY THE
 5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

6 (E) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
 7 CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
 8 16-6-103.

9 (F) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
 10 CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
 11 16-3-306, UNLESS ENTITIES NAMED IN 16-3-306 GIVE THEIR
 12 WRITTEN APPROVAL.

13 (7)(B) Except as above provided, no license shall be
 14 transferred or sold nor shall it be used for any place of
 15 business not described in the license; provided, however,
 16 that such license may be subject to mortgage and other valid
 17 liens, in which event the name of the mortgagee, upon
 18 application to and approval of the department, must be
 19 endorsed on the license.

20 (8)(2) All licenses shall expire at midnight of June
 21 30 of each year."

-End-

Approved by Committee
on Business and Industry

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representative of the department or to any peace officer of the state of Montana.

(2) Any license issued under the provisions of this part shall be considered a privilege personal to the licensee named in the license and shall be good until the expiration of the license unless sooner revoked or suspended.

(3) A license may be transferred to the executor or administrator of the estate of any deceased licensee when such estate consists in whole or in part of the business of selling liquor under a license, and in such event the license may descend or be disposed of with the business to which it is applicable under appropriate probate proceedings.

(4) In the event of a major loss or damage to licensed premises by unforeseen natural causes or in case of expiration of lease of the licensed premises or in the event of eviction or increase of rent by the landlord (in case of rented licensed premises) or in case of proposed removal of license to premises as substantially suited for the retail liquor business as the premises vacated, the licensee may apply to the department for a transfer of the license to different premises. The department may in its discretion permit a transfer in such cases if it appears to the department that such a transfer is required to do justice to

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 14 approval of such transfer by the department, endorsed upon
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 2 original quota area exceeded the quota for that area by at
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 5 quota area to which the license would be transferred did not
 6 exceed that area's quota by more than 25% in the most recent
 7 census; and

8 (iii) the department finds, after a public hearing,
 9 that the public convenience and necessity would be served by
 10 such a transfer.

11 (b) A license transferred between quota areas under
 12 this section may not be mortgaged or pledged as security and
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other than his tavern on a sporadic and un-scheduled basis. The licensee shall obtain prior written approval from the department for each gathering he intends to cater and shall display this approval on the premises in which the catered gathering occurs. The fees are \$50 for the catering endorsement and \$10 for each prior written approval.

(7) (A) ANY ALL-BEVERAGE LICENSEE IS, UPON THE APPROVAL AND IN THE DISCRETION OF THE LIQUOR DIVISION, ENTITLED TO A CATERING ENDORSEMENT TO HIS ALL-BEVERAGE LICENSE TO ALLOW THE CATERING AND SALE OF ALCOHOLIC BEVERAGES TO PERSONS ATTENDING A SPECIAL EVENT UPON PREMISES NOT OTHERWISE LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES SUCH BEVERAGES TO BE CONSUMED ON THE PREMISES WHERE THE EVENT IS HELD.

(8) A WRITTEN APPLICATION FOR A CATERING ENDORSEMENT AND AN ANNUAL FEE OF \$25 \$250 MUST BE SUBMITTED TO THE DEPARTMENT FOR ITS APPROVAL.

(9) A WRITTEN APPLICATION FOR EACH EVENT FOR WHICH THE LICENSEE INTENDS TO PROVIDE CATERING SERVICES AND FEE BE \$20. THE WRITTEN APPROVAL OF THE CATERING APPLICATION BY THE SPONSOR OF THE SPECIAL EVENT, AND A FEE OF \$40 MUST BE FILED WITH THE DEPARTMENT AT LEAST 10 DAYS PRIOR TO THE EVENT AND SHALL DESCRIBE THE LOCATION OF THE PREMISES WHERE THE EVENT IS TO BE HELD, THE NATURE OF THE EVENT, AND THE PERIOD DURING WHICH THE EVENT IS TO BE HELD. AN ALL-BEVERAGE

LICENSEE WHO HOLDS AN ENDORSEMENT GRANTED UNDER THIS SUBSECTION (7) MAY NOT RECEIVE APPROVAL TO CATER AN EVENT OF WHICH HE IS THE SPONSOR. THE CATERED EVENT MUST BE WITHIN 100 MILES OF THE LICENSEE'S REGULAR PLACE OF BUSINESS. IF OBTAINED, THE LICENSEE SHALL DISPLAY IN A PROMINENT PLACE ON THOSE PREMISES, THE WRITTEN APPROVAL FROM THE DEPARTMENT FOR EACH EVENT WHICH IS CATERED PURSUANT TO THIS SUBSECTION.

(10) THE LICENSEE SHALL FILE WITH EACH APPLICATION FOR AN EVENT TO BE CATERED A WRITTEN STATEMENT OF APPROVAL OF THE PREMISES WHERE THE EVENT IS TO BE HELD ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

(11) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF 16-6-103.

(12) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF 16-3-306, UNLESS ENTITIES NAMED IN 16-3-306 GIVE THEIR WRITTEN APPROVAL.

(13) Except as above provided, no license shall be transferred or sold nor shall it be used for any place of business not described in the license; provided, however, that such license may be subject to mortgage and other valid liens, in which event the name of the mortgagee, upon application to and approval of the department, must be endorsed on the license.

SB 0108/03

1 ~~(b)(2)~~ All licenses shall expire at midnight of June
2 30 of each year."

-End-

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5 quota area to which the license would be transferred did not
6 exceed that area's quota by more than 25% in the most recent
7 census; and

8 (iii) the department finds, after a public hearing,
9 that the public convenience and necessity would be served by
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11 (b) A license transferred between quota areas under
12 this section may not be mortgaged or pledged as security and
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THOSE PREMISES THE WRITTEN APPROVAL FROM THE DEPARTMENT FOR
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~~(D) THE LICENSEE SHALL FILE WITH EACH APPLICATION FOR
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~~(E) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
16-6-103.~~

~~(F) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
16-3-306, UNLESS ENTITIES NAMED IN 16-3-306 GIVE THEIR
WRITTEN APPROVAL.~~

~~(7)(B) Except as above provided, no license shall be
transferred or sold nor shall it be used for any place of
business not described in the license; provided, however,
that such license may be subject to mortgage and other valid
liens, in which event the name of the mortgagee, upon
application to and approval of the department, must be
endorsed on the license.~~

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1 ~~(8)~~(9) All licenses shall expire at midnight of June
2 30 of each year."

-End-

1 SENATE BILL NO. 108

2 INTRODUCED BY LOWE, KOLSTAD, BOYLAN, MEHRENS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE
5 DEPARTMENT OF REVENUE TO LICENSE THE CATERING OF ALCOHOLIC
6 BEVERAGES OFF THE PREMISES OF A TAVERN; AMENDING SECTION
7 16-4-204, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4-204, MCA, is amended to read:

11 "16-4-204. Contents of license -- posting -- privilege
12 -- transfer -- expiration. (1) Every license issued under
13 this part shall set forth the name of the person to whom
14 issued, the location, by street and number or other
15 appropriate specific description of location if no street
16 address exists, of the premises where the business is to be
17 carried on under said license, and such other information as
18 the department shall deem necessary. If the licensee is a
19 partnership or if more than one person has any interest in
20 the business operated under the license, the names of all
21 persons in the partnership or interested in the business
22 must appear on the license. Every license must be posted in
23 a conspicuous place on the premises wherein the business
24 authorized under the license is conducted, and such license
25 shall be exhibited upon request to any authorized

1 representative of the department or to any peace officer of
2 the state of Montana.

3 (2) Any license issued under the provisions of this
4 part shall be considered a privilege personal to the
5 licensee named in the license and shall be good until the
6 expiration of the license unless sooner revoked or
7 suspended.

8 (3) A license may be transferred to the executor or
9 administrator of the estate of any deceased licensee when
10 such estate consists in whole or in part of the business of
11 selling liquor under a license, and in such event the
12 license may descend or be disposed of with the business to
13 which it is applicable under appropriate probate
14 proceedings.

15 (4) In the event of a major loss or damage to licensed
16 premises by unforeseen natural causes or in case of
17 expiration of lease of the licensed premises or in the event
18 of eviction or increase of rent by the landlord (in case of
19 rented licensed premises) or in case of proposed removal of
20 license to premises as substantially suited for the retail
21 liquor business as the premises vacated, the licensee may
22 apply to the department for a transfer of the license to
23 different premises. The department may in its discretion
24 permit a transfer in such cases if it appears to the
25 department that such a transfer is required to do justice to

1 the licensee applying for the transfer. The department
 2 shall in no event nor for any cause permit a transfer to
 3 different premises where the sanitary, health, and service
 4 facilities are less satisfactory than such facilities which
 5 exist or had existed at the premises from which the transfer
 6 is proposed to be made.

7 (5) Upon a bona fide sale of the business operated
 8 under any license, the license may be transferred to a
 9 qualified purchaser. No transfer of any license as to
 10 person or location shall be effective unless and until
 11 approved by the department, and any licensee or transferee
 12 or proposed transferee who operates or attempts to operate
 13 under any supposedly transferred license prior to the
 14 approval of such transfer by the department, endorsed upon
 15 the license in writing, shall be considered as operating
 16 without a license and the license affected may be revoked or
 17 suspended by the department. The department may, within its
 18 discretion, permit a qualified purchaser to operate the
 19 business to be transferred pending final approval, providing
 20 the application for transfer has been filed with the
 21 department.

22 (6) (a) A license may be transferred to a new
 23 ownership and to a location outside the quota area for which
 24 it was originally issued only when the following criteria
 25 are met:

1 (i) the total number of all-beverages licenses in the
 2 original quota area exceeded the quota for that area by at
 3 least 25% in the most recent census;

4 (ii) the total number of all-beverages licenses in the
 5 quota area to which the license would be transferred did not
 6 exceed that area's quota by more than 25% in the most recent
 7 census; and

8 (iii) the department finds, after a public hearing,
 9 that the public convenience and necessity would be served by
 10 such a transfer.

11 (b) A license transferred between quota areas under
 12 this section may not be mortgaged or pledged as security and
 13 may not be transferred to another person except for a
 14 transfer by inheritance upon the death of the licensee. A
 15 license transferred between quota areas under this section
 16 may be held only by natural persons. For the purpose of
 17 this section, natural persons shall not include limited
 18 partnerships or other business entities of any kind in which
 19 each natural person is not a full participant in the
 20 ownership and operation of the business authorized by the
 21 license.

22 ~~fit--the department may issue a catering endorsement to~~
 23 ~~an all-beverages license upon application by the licensee~~
 24 ~~and upon finding that the licensee is equipped to cater~~
 25 ~~alcoholic beverages to gatherings of persons upon premises~~

1 ~~other than his-^rvern-on-a-sporadic-and--unscheduled--basis~~
 2 ~~The--licensee--shall--obtain--prior--written--approval--from--the~~
 3 ~~department--for--each--gathering--he--intends--to--cater--and--shall~~
 4 ~~display--this--approval--on--the--premises--in--which--the--catered~~
 5 ~~gathering--occurs--The--fee--is--\$50--for--the--catering~~
 6 ~~endorsement--and--\$10--for--each--prior--written--approval.~~

7 (7) (A) ANY ALL-BEVERAGE LICENSEE IS, UPON THE
 8 APPROVAL AND IN THE DISCRETION OF THE LIQUOR DIVISION,
 9 ENTITLED TO A CATERING ENDORSEMENT TO HIS ALL-BEVERAGE
 10 LICENSE TO ALLOW THE CATERING AND SALE OF ALCOHOLIC
 11 BEVERAGES TO PERSONS ATTENDING A SPECIAL EVENT UPON PREMISES
 12 NOT OTHERWISE LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES
 13 SUCH BEVERAGES TO BE CONSUMED ON THE PREMISES WHERE THE
 14 EVENT IS HELD.

15 (B) A WRITTEN APPLICATION FOR A CATERING ENDORSEMENT
 16 AND AN ANNUAL FEE OF \$50 \$250 MUST BE SUBMITTED TO THE
 17 DEPARTMENT FOR ITS APPROVAL.

18 (C) A WRITTEN APPLICATION FOR EACH EVENT FOR WHICH THE
 19 LICENSEE INTENDS TO PROVIDE CATERING SERVICES AND FEE BE
 20 \$20, THE WRITTEN APPROVAL OF THE CATERING APPLICATION BY THE
 21 SPONSOR OF THE SPECIAL EVENT, AND A FEE OF \$40 MUST BE FILED
 22 WITH THE DEPARTMENT AT LEAST 10 DAYS PRIOR TO THE EVENT AND
 23 SHALL DESCRIBE THE LOCATION OF THE PREMISES WHERE THE EVENT
 24 IS TO BE HELD, THE NATURE OF THE EVENT, AND THE PERIOD
 25 DURING WHICH THE EVENT IS TO BE HELD, AN ALL-BEVERAGE

1 LICENSEE WHO HOLDS AN ENDORSEMENT GRANTED UNDER THIS
 2 SUBSECTION (7) MAY NOT RECEIVE APPROVAL TO CATER AN EVENT OF
 3 WHICH HE IS THE SPONSOR. THE CATERED EVENT MUST BE WITHIN
 4 100 MILES OF THE LICENSEE'S REGULAR PLACE OF BUSINESS. IF
 5 OBTAINED, THE LICENSEE SHALL DISPLAY IN A PROMINENT PLACE ON
 6 THOSE PREMISES, THE WRITTEN APPROVAL FROM THE DEPARTMENT FOR
 7 EACH EVENT WHICH IS CATERED PURSUANT TO THIS SUBSECTION.

8 (D) THE LICENSEE SHALL FILE WITH EACH APPLICATION FOR
 9 AN EVENT TO BE CATERED A WRITTEN STATEMENT OF APPROVAL OF
 10 THE PREMISES WHERE THE EVENT IS TO BE HELD ISSUED BY THE
 11 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

12 (E) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
 13 CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
 14 16-6-103.

15 (F) THE SALE OF ALCOHOLIC BEVERAGES PURSUANT TO A
 16 CATERING ENDORSEMENT IS SUBJECT TO THE PROVISIONS OF
 17 16-3-306, UNLESS ENTITIES NAMED IN 16-3-306 GIVE THEIR
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19 ~~§§(8)~~ Except as above provided, no license shall be
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 21 business not described in the license; provided, however,
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 24 application to and approval of the department, must be
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1 ~~1991~~ All licenses shall expire at midnight of June
2 30 of each year."

-End-