

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H1/25/21
A Bill

SENATE BILL 76

By: Senator L. Eads
By: Representatives Lundstrum, *Christiansen*

For An Act To Be Entitled

AN ACT TO ESTABLISH AN EXCURSION TRAIN PERMIT; TO
AUTHORIZE AN EXCURSION TRAIN PERMIT HOLDER TO SELL
AND SERVE ALCOHOLIC BEVERAGES; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH AN EXCURSION TRAIN PERMIT;
AND TO AUTHORIZE AN EXCURSION TRAIN
PERMIT HOLDER TO SELL AND SERVE ALCOHOLIC
BEVERAGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-4-601(a), concerning the various kinds of alcoholic beverage permits, is amended to add an additional subdivision to read as follows:

(10) Excursion train permit.

SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 6, is amended to add an additional section to read as follows:

3-4-612. Excursion train permit.

(a) As used in this section:

(1) "Alcoholic beverage" means spirituous liquor, vinous liquor, small farm wine, light wine, malt liquor, and hard cider; and

(2) "Excursion train" means a train made available to the public through ticket sales for scheduled dates and times for operation over a



common carrier railroad or railroad authority that operates on a fixed schedule or route with a specific beginning and ending point.

(b) An excursion train operator may apply to the Director of the Alcoholic Beverage Control Division for a permit to sell and serve alcoholic beverages on an excursion train operated in this state.

(c) An application under this section shall be in writing and verified and shall detail information concerning the applicant for the permit and the premises to be used by the applicant as the director shall require.

(d) If the director grants an application for a permit under this section, he or she shall issue the permit in a form prescribed by rule.

(e) A permit under this section shall:

(1) Contain a description of the excursion train to be used by the excursion train operator; and

(2) Permit the applicant to sell and serve alcoholic beverages on the excursion train as authorized under this section.

(f) Upon receipt of a permit under this section, an excursion train operator may:

(1) Sell and serve alcoholic beverages for on-premises consumption during legal operating hours to a ticketed passenger of legal age or to an individual of legal age attending a chartered event on the excursion train;

(2) Store legally purchased alcoholic beverages on the excursion train to sell and serve to customers for on-premises consumption; and

(3) Store legally purchased alcoholic beverages at a separate facility as needed to meet the demand of customers.

(g) An excursion train operator shall pay an annual permit fee of two hundred dollars (\$200) for an excursion train permit.

(h) An excursion train permit holder shall ensure that a copy of the excursion train permit issued under this section is posted in each excursion train operated by the excursion train permit holder where alcoholic beverages are sold and served.

(i) An excursion train permit holder is authorized to sell and serve alcoholic beverages only when the excursion train is located in a territory that has authorized the sale of alcoholic beverages.

(j) The director shall adopt rules to implement and administer this section.

SECTION 3. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Alcoholic Beverage Control Division shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2022; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

(b) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rules for approval before January 1, 2022.

/s/L. Eads