

HB304 ENGROSSED



1 2YF2KK-2
2 By Representatives Rafferty, Hollis, Whitt, Brown
3 RFD: County and Municipal Government
4 First Read: 13-Apr-23
5 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to alcoholic beverage sales; to amend Act 2022-432, 2022 Regular Session, now appearing as Section 28-3A-17.2, Code of Alabama 1975; to further provide for alcoholic beverage sales by food and beverage trucks within established entertainment districts by extending the license to municipalities in all classes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2022-432, 2022 Regular Session, now appearing as Section 28-3A-17.2, Code of Alabama 1975, is amended to read as follows:

"§28-3A-17.2

(a) ~~This section applies in Class 1 municipalities only.~~

~~(b)~~ As used in this section, "food or beverage truck" means a fully encased food or beverage service establishment approved by the Department of Public Health, which is housed on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages, or both, for immediate human consumption. The term does not include a food or beverage cart that is not



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29 motorized.

30 ~~(e)~~ (b) (1) Upon a food or beverage truck applicant's
31 compliance with this chapter and any rules adopted thereunder,
32 and upon presentation of the certificate described in
33 subdivision (2), the board shall issue to the applicant a food
34 or beverage truck license that will authorize the licensee to
35 purchase liquor and wine from the board or, as authorized by
36 the board, table wine and beer, including draft or keg beer,
37 from any wholesale licensee of the board and to sell one
38 alcoholic beverage per sale for on-premises consumption to
39 guests who may consume the beverages in open containers
40 anywhere within an area designated by the municipal governing
41 body within an established entertainment district, provided
42 the license is not prohibited by a valid ordinance or other
43 ordinance in the valid exercise of police power by the
44 governing body of the municipality in which the food or
45 beverage truck is located.

46 (2) An applicant shall obtain from the municipality in
47 which the food or beverage truck intends to operate a
48 certificate setting out that the applicant has presented his
49 or her application to the governing body of the municipality
50 and the municipality approves of the issuance of the license
51 for the food or beverage truck to sell alcoholic beverages.

52 ~~(d)~~ (c) The food or beverage truck license fee shall be
53 three hundred dollars (\$300).

54 ~~(e)~~ (d) A food or beverage truck operating outside the
55 designated entertainment district may not sell alcoholic
56 beverages.



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57 ~~(f)~~ (e) A food or beverage truck licensee shall consent,
58 in writing, to warrantless inspections by city, county, and
59 state inspectors and law enforcement.

60 ~~(g)~~ (f) A food or beverage truck licensee must comply
61 with all on-premises rules, other than the requirement for
62 seating and restrooms.

63 ~~(h)~~ (g) Each food or beverage truck licensee shall
64 collect and remit all state and local sales and use taxes and
65 all excise and privilege taxes due on the sale of alcoholic
66 beverages.

67 (h) A food or beverage truck licensee may not serve or
68 be authorized to serve any food or beverage within 150 feet of
69 an existing permanent restaurant or Alcoholic Beverage Control
70 Board licensee.

71 (i) The board, by rule, shall require security cameras
72 in all licensed food or beverage trucks and may require a
73 barrier be placed as a boundary around the vicinity of the
74 food or beverage truck or group of food or beverage trucks
75 within which consumption of alcoholic beverages is permitted.
76 The board shall adopt additional reasonable rules to protect
77 public health and safety."

78 Section 2. This act shall become effective on the first
79 day of the third month following its passage and approval by
80 the Governor, or its otherwise becoming law.



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House of Representatives

Read for the first time and referred13-Apr-23
to the House of Representatives
committee on County and Municipal
Government

Read for the second time and placed26-Apr-23
on the calendar:
0 amendments

Read for the third time and passed24-May-23
as amended
Yeas 0
Nays 0
Abstains 0

John Treadwell
Clerk