

HB304 INTRODUCED



1 2YF2KK-1

2 By Representatives Rafferty, Hollis, Whitt, Brown

3 RFD: County and Municipal Government

4 First Read: 13-Apr-23

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SYNOPSIS:

Under existing law, a food or beverage truck in a Class 1 municipality may, upon approval by the municipality, obtain a license from the Alcoholic Beverage Control Board to sell alcoholic beverages in open containers for outdoor consumption within an established entertainment district.

This bill would expand the availability of this license to food or beverage trucks in all municipalities that have an established entertainment district.

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



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29 appearing as Section 28-3A-17.2, Code of Alabama 1975, is
30 amended to read as follows:

31 "§28-3A-17.2

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

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

43 ~~(c)~~ (b) (1) Upon a food or beverage truck applicant's
44 compliance with this chapter and any rules adopted thereunder,
45 and upon presentation of the certificate described in
46 subdivision (2), the board shall issue to the applicant a food
47 or beverage truck license that will authorize the licensee to
48 purchase liquor and wine from the board or, as authorized by
49 the board, table wine and beer, including draft or keg beer,
50 from any wholesale licensee of the board and to sell one
51 alcoholic beverage per sale for on-premises consumption to
52 guests who may consume the beverages in open containers
53 anywhere within an area designated by the municipal governing
54 body within an established entertainment district, provided
55 the license is not prohibited by a valid ordinance or other
56 ordinance in the valid exercise of police power by the



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57 governing body of the municipality in which the food or
58 beverage truck is located.

59 (2) An applicant shall obtain from the municipality in
60 which the food or beverage truck intends to operate a
61 certificate setting out that the applicant has presented his
62 or her application to the governing body of the municipality
63 and the municipality approves of the issuance of the license
64 for the food or beverage truck to sell alcoholic beverages.

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

67 ~~(e)~~ (d) A food or beverage truck operating outside the
68 designated entertainment district may not sell alcoholic
69 beverages.

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

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

76 ~~(h)~~ (g) Each food or beverage truck licensee shall
77 collect and remit all state and local sales and use taxes and
78 all excise and privilege taxes due on the sale of alcoholic
79 beverages.

80 ~~(i)~~ (h) The board, by rule, may require a barrier be
81 placed as a boundary around the vicinity of the food or
82 beverage truck or group of food or beverage trucks within
83 which consumption of alcoholic beverages is permitted. The
84 board shall adopt additional reasonable rules to protect



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85 public health and safety."

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