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A BILL
TO BE ENTITLED
AN ACT

Relating to alcoholic beverage sales; to amend 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. 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 motorized.

~~(c)~~ (b) (1) Upon a food or beverage truck applicant's



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

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

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

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

55 ~~(f)~~ (e) A food or beverage truck licensee shall consent,
56 in writing, to warrantless inspections by city, county, and



57 state inspectors and law enforcement.

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

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

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

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

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

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