

LIQUOR CONTROL ACT: County courts not authorized to license wholesale dealers, distillers, manufacturers or brewers.

3-16

March 15, 1934.

FILED  
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Hon. Lee Mullins,  
Prosecuting Attorney,  
Atchison County,  
Rock Port, Missouri.

Dear Sir:

This department is in receipt of your letter of March 14, 1934 in which you request an opinion as to the following state of facts:

"Our County Court have asked me to write you for information concerning the matter of its right to levy a license fee upon any person engaged in the 'wholesale liquor business' in this county. It appears from Section 24 of the Act as passed that a county may only make charges for licenses issued retail dealers; and it appears to me to be very plain, and as far as I can see, the county cannot charge a license fee against any other dealers than the retailers; and also, I cannot see wherein a wholesaler can qualify as a retailer under the law as both retailer and wholesaler.

"I hope I have made plain to you just what the court wants. However, I will state it another way: they want something from you on the question of the wholesale dealer being required to pay a county license.\*\*\*\*\*"

I.

County courts are not authorized to license wholesale dealers, distillers, manufacturers or brewers.

Section 24 of the Liquor Control Act of the State of Missouri provides:

"The County Court in each county is hereby authorized to make a charge for licenses issued to retail dealers in all intoxicating liquor, the charge in each instance to be determined by the County Court, by order of record, but said charge shall in no event exceed the amount provided for in Section 22 of this act, for state purposes."

It will be noticed that the County Court is authorized only to license retail dealers and there is no power granted by the Liquor Control Act whatsoever authorizing the County Court to license wholesalers, distillers, manufacturers or brewers.

The license fee for retail dealers is to be determined by the County Court, but this charge shall in no event exceed the amount provided for in Section 22 of this Act for State purposes.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK,  
Attorney General

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