

INTOXICATING LIQUORS: Permittee or Licensee cannot change location of their business and operate under a license issued for a former place of business.

8.16

August 13, 1935.



Honorable Percy W. Gullie
Prosecuting Attorney
Oregon County
Alton, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion, which reads as follows:

"In construing sections 5 and 20 of the new intoxicating liquor laws, does it prohibit a licensee from moving his place of business into another building in the same town without obtaining another license."

Section 5 of the Liquor Control Act provides that no person shall sell intoxicating liquor in any other place than that designated in the license, and reads as follows:

"No person, agent or employee of any person in any capacity shall sell intoxicating liquor in any other place than that designated in the license, or at any other time or otherwise than is authorized by this act and the regulations herein provided for."

It is evident from the careful wording of the above section that a person is limited to the sale of intoxicating liquors at the place for which the license expresses.

Section 20 of the Liquor Control Act provides that the premises upon which intoxicating liquors shall be sold are to be particularly described in the permit. Said section provides in part as follows:

Hon. Percy W. Gullie

-2-

August 13, 1935.

"Every license issued under the provisions of this Act shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein."

It is the opinion of this Department that if a person obtains a permit for the sale of intoxicating liquors covering one place of business at a particular street address, that said licensee cannot move his place of business to another street address and engage in the sale of intoxicating liquors without obtaining a new license covering the latter premises.

Yours very truly

RUSSELL C. STONE
Assistant Attorney General.

APPROVED:

ROY McKITTRICK
Attorney General.

RCS:H