

LIQUOR CONTROL ACT:

Liquor licensee not required to be a voter and taxpayer of the county, town, city or village wherein he seeks the license, but he must be a resident of the State of Missouri.

January 29, 1945



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Honorable Wayne Norman
Prosecuting Attorney
Putnam County
Unionville, Missouri

Dear Sir:

This will acknowledge your letter of January 23, and request for an opinion, which is as follows:

"I will appreciate your opinion on the following facts:

"A party holds a license to sell liquor by the package and is a resident and taxpayer and legal voter of this county. He contemplates moving into an adjoining county but intends to maintain this county as his voting residence. Does he, by moving from the county, disqualify himself under Section 4906 of the Liquor Laws from being granted a liquor license?"

Section 4906, Revised Statutes of Missouri 1939, reads as follows:

"No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and no person shall be granted a license or permit hereunder whose

license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; Provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors, to, by or through a duly licensed wholesaler, within this state."

Judge Ellison construes Section 4906 in State ex rel. Klein v. Hughes, et al, 173 S.W. (2d) 877, l.c. 880, 881;

" * * * * that the retail licensee cannot be a nonresident, but must be a voter and taxpayer of some county, town, city or village in the state where he resides.

" * * * * We have the conviction that the statute does not and cannot still mean the licensee must be a voter and taxpayer of the county, town, city or village wherein he seeks the license, when that last adverbial clause was stricken from it eight years ago and another provision added which by clear implication permits him to have more than one license at the same time at different places in the state. * * * * "

Conclusion.

It is the opinion of this department that, under the provisions of Section 4906, Revised Statutes of

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Missouri 1939, a licensee, under the Liquor Control Act of the State of Missouri, must be a resident of the State of Missouri, but the licensee is not required to be a resident of the county, town, city or village to obtain a state liquor license.

Respectfully submitted,

A. V. OWSLEY
Assistant Attorney General

APPROVED:

HARRY H. KAY
(Acting) Attorney General

AVO:ml