

LIQUOR CONTROL:
LIQUOR:
BONDS:
LICENSES:

Applicants for licensure to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to Section 311.090(2), RSMo 1959, and applicants for licensure to permit the drinking or consumption of intoxicating liquor in, on, or about the premises pursuant to Section 311.480(4), RSMo 1959, are required by law to post bond as required by such sections.

OPINION NO. 312

July 30, 1968



Honorable Edward T. Linehan
State Senator, Sixth District
314 North Broadway
St. Louis, Missouri 63102

Dear Senator Linehan:

This is in response to your request for an opinion from our office which request states:

"In the 1967 General Session of the Legislature we passed two bills which attempted to repeal the bond requirements for applicants for the sale of intoxicating liquor and non-intoxicating beverages under Chapter 311 and 312.

"I have spoken to Mr. Downing about this and ask this opinion whether or not the licensees are still required to post bond, which was formerly required. The Supervisor of Liquor, Mr. Wiggins, has interpreted Section 311.080, Section 2, to require such bond.

"This was definitely not the intent of the Legislature, and I would like to know what your opinion is on it."

The Senate Bills referred to in your request passed by the 74th General Assembly were numbered 40 and 41 became effective October 13, 1967.

Senate Bills 40 and 41 repealed and reenacted Sections 311.230 and 312.080, RSMo 1959.

Honorable Edward T. Linehan

Sections 311.230 and 312.080, supra, provided generally, that applications for license to manufacture or sell intoxicating and nonintoxicating liquor be made to the Supervisor of Liquor Control and further, that a bond accompany the application. The result of these new Senate Bills was, that Sections 311.230 and 312.080 now no longer require the applicant for licensure to manufacture or sell intoxicating or nonintoxicating liquor, to furnish a \$2,000 bond. These reenacted sections are found in the 1967 Cumulative Supplement.

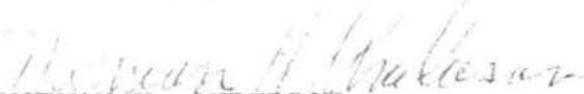
However, Section 311.090(2), RSMo 1959, provides that a \$2,000 bond be given for the faithful performance of all duties imposed upon the licensee by those applying for license to sell intoxicating liquor by the drink at retail for consumption on the premises. That section and Section 311.480(4), RSMo 1959, which provides for a \$1,000 bond from applicants requesting a license to permit the drinking or consumption of intoxicating liquor in, on, or about the premises have not been repealed by the aforementioned Senate Bills. Therefore, applicants for licenses pursuant to Sections 311.090 and 311.480, supra, are still required by law to furnish the required bond as noted in the respective sections with their applications.

CONCLUSION

Applicants for licensure to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to Section 311.090(2), RSMo 1959, and to applicants for licensure to permit the drinking or consumption of intoxicating liquor in, on, or about the premises pursuant to Section 311.480(4), RSMo 1959, are required by law to post bond as required by such sections.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Gerald L. Birnbaum.

Very truly yours,


NORMAN H. ANDERSON
Attorney General