

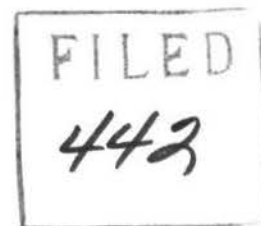
LIQUOR:
SUNDAY SALES OF PACKAGED
LIQUOR BY RESTAURANT BARS:

A license for a "restaurant bar" to
sell intoxicating liquor by the drink
for consumption on the premises under
Section 311.097, S.C.S.S.B. No. 148

of the 76th General Assembly, includes the right to sell intoxicating
liquor in the original package.

OPINION NO. 442

November 24, 1971



Colonel William Wright
Supervisor
Department of Liquor Control
Broadway State Office Building
Jefferson City, Missouri 65101

Dear Colonel Wright:

This is in response to your request for our opinion concerning
the sale of intoxicating liquor in the original package between the
hours of 1:00 p.m. and midnight on Sunday by "restaurant bars" hold-
ing a license to sell intoxicating liquor by the drink at retail for
consumption on the premises.

Specifically, you have asked if a "restaurant bar" licensed
under Section 311.097, S.C.S.S.B. No. 148 of the 76th General Assembly
can sell intoxicating liquor in the original package between the hours
of 1:00 and midnight on Sunday.

It is our opinion that a "restaurant bar" licensed under Sec-
tion 311.097 may legally sell intoxicating liquor in the original
package between the hours of 1:00 p.m. and midnight on Sunday.

Section 311.097, S.C.S.S.B. No. 148 of the 76th General Assembly
provides:

"1. Notwithstanding any other provisions of
this chapter to the contrary, any person who
possesses the qualifications required by this
chapter, and who now or hereafter meets the
requirements of and complies with the pro-
visions of this chapter, may apply for, and
the supervisor of liquor control may issue, a
license to sell intoxicating liquor, as in this
chapter defined, between the hours of 1:00 p.m.
and midnight on Sunday by the drink at retail

for consumption on the premises of any restaurant bar as described in the application. As used in this section the term 'restaurant bar' means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises.

"2. The bond requirements of section 311.090, the authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to a restaurant bar in the same manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095 and in addition to all other fees required by law a restaurant bar shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees." (Emphasis added)

Section 311.200(4), RSMo 1969 provides:

"For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package." (Emphasis added)

All establishments licensed under Sections 311.085, 311.090 or 311.095, RSMo 1969, hold licenses to sell intoxicating liquor at retail for consumption on the premises which also includes the right to sell intoxicating liquor in the original package, under Section 311.200(4). Since subsection 2 of Section 311.097 directs that all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises shall apply to a "restaurant bar" in the same manner as they apply to establishments licensed under Sections 311.085, 311.090 and 311.095, and since Section 311.200(4) is such a law authorizing a holder of a license under Sections 311.085, 311.090 or 311.095 also to sell intoxicating liquor in the original package, a "restaurant bar" licensed under Section 311.097 has the right to sell intoxicating liquor in the original package for the reason that Section 311.200(4) is applied to a "restaurant bar" in the same manner as it is applied to an establishment licensed under Sections 311.085, 311.090 or 311.095.

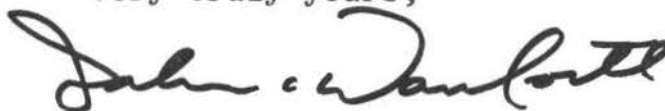
Colonel William Wright

CONCLUSION

It is the opinion of this office that intoxicating liquor in the original package may be sold by "restaurant bars" licensed under Section 311.097, S.C.S.S.B. No. 148 of the 76th General Assembly, between the hours of 1:00 p.m. and midnight on Sunday.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard S. Paden.

Very truly yours,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General