

By: Representative Williams

To: Ways and Means

HOUSE BILL NO. 817

1 AN ACT TO AMEND SECTION 67-1-57, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REQUIREMENT THAT AN APPLICANT FOR A PERMIT UNDER THE  
3 STATE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW BE ABLE TO READ  
4 AND WRITE THE ENGLISH LANGUAGE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 67-1-57, Mississippi Code of 1972, is  
7 amended as follows:

8 67-1-57. Before a permit is issued the commission shall  
9 satisfy itself:

10 (a) That the applicant, if an individual, or if a  
11 partnership, each of the members of the partnership, or if a  
12 corporation, each of its principal officers and directors, is of  
13 good moral character and, in addition, enjoys a reputation of  
14 being a peaceable, law-abiding citizen of the community in which  
15 he resides, and is generally fit for the trust to be reposed in  
16 him, is not less than twenty-one (21) years of age, and has not  
17 been convicted of a felony in any state or federal court.

18 (b) That, except in the case of an application for a  
19 solicitor's permit, the applicant is the true and actual owner of  
20 the business for which the permit is desired, and that he intends  
21 to carry on the business authorized for himself and not as the  
22 agent of any other person, and that he intends to superintend in

23 person the management of said business or that he will designate a  
24 manager to manage the business for him; any such manager must be  
25 approved by the commission and must possess all of the  
26 qualifications required of a permittee.

27 (c) That the applicant for a package retailer's permit,  
28 if an individual, is a resident of the State of Mississippi. If  
29 the applicant is a partnership, each member of the partnership  
30 must be a resident of the state. If the applicant is a  
31 corporation, the designated manager of the corporation must be a  
32 resident of the state.

33 (d) That the place for which the permit is to be issued  
34 is an appropriate one considering the character of the premises  
35 and the surrounding neighborhood.

36 (e) That the place for which the permit is to be issued  
37 is within the corporate limits of an incorporated municipality or  
38 qualified resort area or club which comes within the provisions of  
39 this chapter.

40 (f) That the applicant is not indebted to the state for  
41 any taxes, fees or payment of penalties imposed by any law of the  
42 State of Mississippi or by any rule or regulation of the  
43 commission.

44 (g) That the applicant is not in the habit of using  
45 alcoholic beverages to excess and is not physically or mentally  
46 incapacitated \* \* \*.

47 (h) That the commission does not believe and has no  
48 reason to believe that the applicant will sell or knowingly permit  
49 any agent, servant or employee to unlawfully sell liquor in a dry  
50 area or in any other manner contrary to law.

51 (i) That the applicant is not residentially domiciled  
52 with any person whose permit or license has been cancelled for  
53 cause within the twelve (12) months next preceding the date of the

54 present application for a permit.

55           (j) That the commission has not, in the exercise of its  
56 discretion which is reserved and preserved to it, refused to grant  
57 such permits under the restrictions of this section, as well as  
58 under any other pertinent provision of this chapter.

59           (k) That there are not sufficient legal reasons to deny  
60 a permit on the ground that the premises for which the permit is  
61 sought has previously been operated, used or frequented for any  
62 purpose or in any manner that is lewd, immoral or offensive to  
63 public decency. In the granting or withholding of any permit to  
64 sell alcoholic beverages at retail, the commission in forming its  
65 conclusions may give consideration to any recommendations made in  
66 writing by the district or county attorney or county, circuit or  
67 chancery judge of the county, or the sheriff of the county, or the  
68 mayor or chief of police of an incorporated city or town wherein  
69 the applicant proposes to conduct his business and to any  
70 recommendations made by representatives of the commission.

71           (l) That no criminal record of the applicant or any of  
72 applicant's employees exists, and the commission may therefore  
73 require that any applicant and employees of such applicant be  
74 photographed and fingerprinted for identification.

75           SECTION 2. This act shall take effect and be in force from  
76 and after its passage.