

By: Representative Robinson (84th)

To: Ways and Means

HOUSE BILL NO. 395

1 AN ACT TO MAKE UNLAWFUL THE SALE OF ALCOHOLIC BEVERAGES,
2 LIGHT WINE OR BEER FROM ANY BUILDING OR STRUCTURE DESIGNED TO
3 ALLOW A MOTOR VEHICLE TO DRIVE BY, IN OR THROUGH A PORTION OF THE
4 BUILDING; TO CREATE AN EXCEPTION FOR THE SALE OF LIGHT WINE OR
5 BEER UNDER A VALID PRIVILEGE LICENSE IN CASES WHERE THE BUILDING
6 IS DESIGNED SOLELY FOR SUCH SALES; TO PROVIDE A PENALTY FOR
7 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) In addition to any other fines, penalties or
10 offenses provided by law, it shall be unlawful to:

11 (a) Sell any alcoholic beverage from any building or
12 structure designed to allow a motor vehicle to drive by, in or
13 through a portion of the building; or

14 (b) Sell any light wine or beer, or both, from any
15 building or structure designed to allow a motor vehicle to drive
16 by, in or through a portion of the building, unless (i) the
17 building is designed solely for sales of light wine or beer, or
18 both, (ii) the building is designed to require a motor vehicle to
19 pass completely through the building, and (iii) sales of light
20 wine or beer, or both, are permitted within the building by virtue
21 of a valid privilege license issued under Chapter 3, Title 67,
22 Mississippi Code of 1972.

23 (2) (a) Any person who violates this section shall be
24 fined, upon conviction thereof, not less than Five Hundred Dollars
25 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) for
26 each offense.

27 (b) Any permittee licensed to sell alcoholic beverages
28 or licensed to sell light wine or beer, or both, who violates the
29 provisions of this section shall be punished, upon conviction

30 thereof, by suspension of his permit or license for one (1) year.
31 Upon conviction of a second offense under the provisions of this
32 section, the permit or license shall be revoked automatically and
33 permanently.

34 **SECTION 2.** This act shall take effect and be in force from
35 and after July 1, 2005.