

2023 Kansas Statutes

41-106. Violations of law; copy of citation; notice of reported violation. (a) Any citation issued by an agent of the division of alcoholic beverage control for a violation of the liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act shall be delivered to the licensee or a person in charge of the licensed premises at the time of the alleged violation. A copy of such citation also shall be delivered by United States mail to the licensee within 30 days of the alleged violation.

(b) Any duly authorized law enforcement officer who observes a violation of the liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act may, after serving notice to the licensee or a person in charge of the licensed premises, submit a report of such violation to the division of alcoholic beverage control for review. Upon receipt of such report, the director shall review the report and determine if administrative action will be taken against the licensee. If the director determines that administrative action will be taken, an administrative citation and notice of administrative action shall be delivered by United States mail to the licensee within 30 days of the date of the alleged violation.

(c) The notice required to be served to the licensee or a person in charge of the licensed premises at the time of the alleged violation pursuant to subsection (b) shall be in writing and shall contain the following:

- (1) The name of the licensee;
- (2) the date and time of the alleged violation;
- (3) a description of the alleged violation; and
- (4) a statement that a report of the alleged violation will be submitted to the division of alcoholic beverage control for review.

(d) Any citations not issued in accordance with the provisions of this section shall be void and unenforceable.

(e) For purposes of this section, the term "person in charge" means any individual or employee present on the licensed premises at the time of the alleged violation who is responsible for the operation of the licensed premises. If no designated individual or employee is a person in charge, then any employee present is the person in charge.

History: L. 2000, ch. 166, § 9; L. 2015, ch. 82, § 2; L. 2019, ch. 18, § 1; April 1.