

## HOUSE BILL No. 2088

By Committee on Federal and State Affairs

1-23

1 AN ACT concerning alcoholic beverages; relating to the issuance of  
2 citations for statutory violations; amending K.S.A. 41-106 and  
3 repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 41-106 is hereby amended to read as follows: 41-  
7 106. (a) Any citation issued by an agent of the division of alcoholic  
8 beverage control for a violation of the liquor control act or the club and  
9 drinking establishment act shall be delivered to the ~~person allegedly~~  
10 ~~committing the violation~~ licensee or licensee's agent or employee at the  
11 time of the alleged violation. A copy of such citation also shall be  
12 delivered by United States mail to the licensee within 30 days of the  
13 alleged violation. ~~If such citation and copy are not so delivered, the~~  
14 ~~citation shall be void and unenforceable.~~

15 (b) Any duly authorized law enforcement officer who observes a  
16 violation of the liquor control act or the club and drinking establishment  
17 act may, after serving notice to the licensee or licensee's agent or  
18 employee, submit a report of such violation to the division of alcoholic  
19 beverage control for review. Upon receipt of such report, the director shall  
20 review the report and determine if administrative action will be taken  
21 against the licensee. If the director determines that administrative action  
22 will be taken, an administrative citation and notice of administrative  
23 action shall be delivered by United States mail to the licensee within 30  
24 days of the date of the alleged violation.

25 (c) The notice required to be served to the licensee at the time of the  
26 alleged violation pursuant to subsection (b) shall be in writing and shall  
27 contain the following:

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

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

35 Sec. 2. K.S.A. 41-106 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.