

HOUSE BILL No. 2035

By Committee on Federal and State Affairs

1-16

1 AN ACT concerning alcoholic beverages; relating to cereal malt beverages
2 and enforcement of laws regulating the sale thereof; amending K.S.A.
3 2018 Supp. 41-106 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2018 Supp. 41-106 is hereby amended to read as
7 follows: 41-106. (a) Any citation issued by an agent of the division of
8 alcoholic beverage control for a violation of the liquor control act-~~or~~, the
9 club and drinking establishment act *or the Kansas cereal malt beverage*
10 *act* shall be delivered to the licensee or a person in charge of the licensed
11 premises at the time of the alleged violation. A copy of such citation also
12 shall be delivered by United States mail to the licensee within 30 days of
13 the alleged violation.

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

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

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

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

36 (e) For purposes of this section, the term "person in charge" means

1 any individual or employee present on the licensed premises at the time of
2 the alleged violation who is responsible for the operation of the licensed
3 premises. If no designated individual or employee is a person in charge,
4 then any employee present is the person in charge.

5 Sec. 2. K.S.A. 2018 Supp. 41-106 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the Kansas register.