

STATEMENT OF PURPOSE

RS24852

The statute will set a requirement of 20 hours per week and the 20 liquor-by-the-drink sales per week as the definition of "actual use." Idaho Code 23-908(4) already requires that newly issued liquor licenses be put into use six days a week for eight hours a day. With new legislation the state is not dictating which days of the week a business must be open only that they have to be open for the legitimate sale of liquor 20-hours per week. It is up to each individual licensee to decide their business hours for the 20-hours. Adopting a standard will allow remote business to operate within the confines of the rules, but also provides the agency with an enforceable standard when liquor licenses are not in actual use.

FISCAL NOTE

An exact amount of fiscal savings to the Alcohol Beverage Control Fund is unknown. In 2014, Alcohol Beverage Control (ABC) litigated six cases involving non-use of a license and in 2015, there were 11 cases litigated. Conditions for the "actual use" definition will largely eliminate the need for ABC and its licensees from having to litigate this issue on a regular basis.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).