

IN THE SENATE

SENATE BILL NO. 1332

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 23-217, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A PROVISION REGARDING A CERTAIN DISCOUNT; AMENDING  
2  
3 SECTION 23-603, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN ADMINISTRATIVE ACTIONS UPON CONVICTION FOR DISPENSING ALCOHOL TO PERSONS  
4  
5 UNDER TWENTY-ONE YEARS OF AGE AND TO DEFINE A TERM; AMENDING SECTION  
6  
7 23-604, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT REGARDING PERSONS UNDER  
8  
9 TWENTY-ONE YEARS OF AGE, TO PROVIDE EXCEPTIONS AND TO DEFINE A TERM;  
10  
11 AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
12  
13 23-604B, IDAHO CODE, TO PROVIDE EXCEPTIONS FROM RESTRICTION ON  
14  
15 ENTERING OR REMAINING IN CERTAIN PLACES AND TO DEFINE A TERM; AMENDING  
16  
17 SECTION 23-605, IDAHO CODE, TO PROVIDE THAT DISPENSING ALCOHOL TO AN  
18  
19 OBVIOUSLY INTOXICATED PERSON SHALL BE A MISDEMEANOR, TO PROVIDE PENALTIES,  
20  
21 TO PROVIDE FOR DEPOSIT OF FINES, TO PROVIDE FOR NOTIFICATION, TO  
22  
23 PROVIDE FOR CERTAIN ADMINISTRATIVE ACTION AND TO DEFINE A TERM; AMENDING  
24  
25 CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
26  
27 23-617, IDAHO CODE, TO PROVIDE ADMINISTRATIVE PENALTIES FOR SPECIFIED  
28  
29 VIOLATIONS, TO PROVIDE FOR THE PAYMENT AND DISTRIBUTION OF FINES AND  
30  
31 TO DEFINE A TERM; AMENDING SECTION 23-901, IDAHO CODE, TO AUTHORIZE  
32  
33 THE BOARDS OF COUNTY COMMISSIONERS AND CITY COUNCILS TO GRANT LICENSES  
34  
35 FOR LIQUOR BY THE DRINK TO CERTAIN QUALIFIED PERSONS IN ACCORDANCE WITH  
36  
37 CERTAIN LAWS, RULES AND ORDINANCES, TO PROVIDE CORRECT TERMINOLOGY AND  
38  
39 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-902, IDAHO CODE,  
40  
41 TO REVISE DEFINITIONS AND TO DEFINE TERMS; REPEALING SECTIONS 23-903,  
42  
43 23-903a, 23-903b, 23-904, 23-905, 23-906, 23-907 AND 23-908, IDAHO  
44  
45 CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER  
46  
47 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903,  
48  
49 IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS REGARDING ALCOHOLIC BEVERAGES;  
50  
51 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A  
52  
53 NEW SECTION 23-904, IDAHO CODE, TO PROVIDE GRANDFATHER RIGHTS AND TO  
54  
55 PROVIDE THAT CERTAIN LICENSES ARE TRANSFERABLE AND CERTAIN LICENSES  
56  
57 ARE NOT TRANSFERABLE; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE  
58  
59 ADDITION OF A NEW SECTION 23-905, IDAHO CODE, TO AUTHORIZE COUNTIES AND  
60  
61 CITIES TO ISSUE CERTAIN MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE  
62  
63 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-906, IDAHO CODE, TO  
64  
65 PROVIDE CONDITIONS UNDER WHICH MUNICIPAL LICENSES MAY NOT BE ISSUED AND  
66  
67 TO PROVIDE A PROCEDURE FOR A REFERENDUM REGARDING THE AUTHORITY OF A  
68  
69 GOVERNING BODY TO ISSUE MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE  
70  
71 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-907, IDAHO CODE,  
72  
73 TO PROVIDE FOR THE FORM OF BALLOT; AMENDING CHAPTER 9, TITLE 23, IDAHO  
74  
75 CODE, BY THE ADDITION OF A NEW SECTION 23-908, IDAHO CODE, TO PROVIDE FOR  
76  
77 THE EFFECT OF AN ELECTION AND TO PROVIDE THAT CERTAIN SALES SHALL NOT BE  
78  
79 AFFECTED; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF  
80  
81 A NEW SECTION 23-909, IDAHO CODE, TO PROVIDE FOR SUBSEQUENT ELECTIONS;  
82  
83 REPEALING SECTIONS 23-910, 23-911, 23-912, 23-913, 23-914, 23-915,

1 23-916, 23-917, 23-918, 23-919, 23-920 AND 23-921, IDAHO CODE, RELAT-  
2 ING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23,  
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-910, IDAHO CODE, TO PRO-  
4 VIDE FOR APPLICATIONS FOR MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE  
5 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-911, IDAHO CODE, TO  
6 PROVIDE FOR THE INVESTIGATION OF APPLICATIONS, TO PROVIDE THAT FALSE  
7 STATEMENTS SHALL CONSTITUTE A FELONY AND TO PROVIDE A PENALTY; AMEND-  
8 ING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
9 23-912, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS, TO PROVIDE  
10 FOR ADDITIONAL AUTHORITY AND DUTIES OF THE DIRECTOR, TO PROVIDE FOR THE  
11 POWERS OF LICENSING AUTHORITIES OF COUNTIES AND CITIES AND TO PROVIDE  
12 THAT LICENSEES SHALL ADVISE THEMSELVES OF THE RULES AND REGULATIONS;  
13 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
14 TION 23-913, IDAHO CODE, TO PROVIDE FOR LICENSE FEES; AMENDING CHAPTER  
15 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-915, IDAHO  
16 CODE, TO PROHIBIT THE ISSUANCE OR TRANSFER OF CERTAIN LICENSES TO SPEC-  
17 IFIED PERSONS AND TO PROVIDE FOR THE REVOCATION OF CERTAIN LICENSES;  
18 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
19 TION 23-916, IDAHO CODE, TO PROVIDE LOCATION AND DISTANCE PROVISIONS  
20 REGARDING THE LOCATION OF PREMISES BEING ISSUED OR TRANSFERRED A LI-  
21 CENSE AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO  
22 CODE, BY THE ADDITION OF A NEW SECTION 23-917, IDAHO CODE, TO PROHIBIT  
23 SPECIFIED PERSONS AND ENTITIES FROM PROVIDING EQUIPMENT, FIXTURES OR  
24 OTHERWISE FURNISHING FINANCIAL AID TO ONE ENGAGED IN THE SALE OF LIQUOR  
25 AND TO PROHIBIT LICENSEES FROM RECEIVING SUCH EQUIPMENT, FIXTURES OR  
26 FINANCIAL AID; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION  
27 OF A NEW SECTION 23-918, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS FOR  
28 PERSONS INTERESTED IN THE PREMISES, TO PROVIDE AN EXCEPTION, TO PROVIDE  
29 FOR THE APPLICABILITY OF RULES, REGULATIONS AND LAW, TO PROVIDE THAT  
30 CERTAIN PERSONS SHALL NOT BE DISQUALIFIED FROM HOLDING CERTAIN LICENSES  
31 AND TO CLARIFY THAT LICENSES FOR THE RETAIL SALE OF LIQUOR BY THE DRINK  
32 MUST BE OBTAINED THROUGH NORMAL LAWFUL MEANS; AMENDING CHAPTER 9, TITLE  
33 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-919, IDAHO CODE, TO  
34 PROVIDE FOR THE FORM AND DISPLAY OF MUNICIPAL LICENSES, TO PROHIBIT CER-  
35 TAIN TRANSFERS, TO PROVIDE THAT MUNICIPAL AND STATE LIQUOR LICENSES ARE  
36 SEPARATE AND DISTINCT, TO RESTRICT THE EXERCISE OF PRIVILEGES UNDER A  
37 LICENSE TO THE NAMED LICENSEE, TO PROVIDE FOR EXPIRATION AND RENEWAL, TO  
38 PROVIDE FOR TRANSFERS OF STATE LIQUOR LICENSES, TO PROVIDE FOR FEES AND  
39 TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE  
40 ADDITION OF A NEW SECTION 23-920, IDAHO CODE, TO PROVIDE RESTRICTIONS  
41 ON THE TRANSFER OF STATE LIQUOR LICENSES AND TO PROVIDE THAT CERTAIN  
42 LICENSES SHALL BE SUBJECT TO LEVY AND DISTRAINT; AMENDING CHAPTER 9,  
43 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921, IDAHO  
44 CODE, TO PROVIDE FOR SUSPENSION, REVOCATION AND REFUSAL TO RENEW LI-  
45 CENSES, TO PROVIDE FOR PETITIONS REQUESTING MONETARY PAYMENT IN LIEU  
46 OF SUSPENSION, TO PROVIDE FOR GUIDELINES AND RULES REGARDING PERIODS  
47 OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION, TO PROVIDE  
48 FOR ADDITIONAL SUSPENSIONS AND TO PROVIDE FOR THE RENEWAL OF CERTAIN  
49 LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF  
50 A NEW SECTION 23-921A, IDAHO CODE, TO PROVIDE FOR LICENSE SUSPENSION OR

1 REVOCATION UPON CONVICTION FOR VIOLATION OF OBSCENITY LAWS; AMENDING  
2 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-922,  
3 IDAHO CODE, TO PROVIDE THAT THE SALE OF LIQUOR WITHOUT A LICENSE IS A  
4 FELONY AND TO PROVIDE A PENALTY; AMENDING CHAPTER 9, TITLE 23, IDAHO  
5 CODE, BY THE ADDITION OF A NEW SECTION 23-923, IDAHO CODE, TO PROVIDE  
6 THAT CERTAIN LIQUOR SOLD BY LICENSEES SHALL BE PURCHASED FROM THE STATE  
7 LIQUOR DIVISION, TO PROVIDE FOR SALES BY THE STATE LIQUOR DIVISION TO  
8 LICENSEES AND TO DEFINE A TERM; AMENDING CHAPTER 9, TITLE 23, IDAHO  
9 CODE, BY THE ADDITION OF A NEW SECTION 23-924, IDAHO CODE, TO PROVIDE FOR  
10 THE EXAMINATION OF PREMISES BY CERTAIN PERSONS; AMENDING CHAPTER 9, TI-  
11 TLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-925, IDAHO CODE,  
12 TO PROVIDE THAT LICENSEES HAVING ILLEGAL LIQUOR ON PREMISES SHALL BE  
13 GUILTY OF A FELONY, TO PROVIDE PENALTIES, TO PROVIDE FOR LICENSE REVOCA-  
14 TION, TO PROVIDE FOR A DETERMINATION OF THE AMOUNT OF LIQUOR TO BE SOLD  
15 TO LICENSEES, TO PROVIDE FOR THE SEIZURE OF ILLEGAL LIQUOR AND TO PRO-  
16 VIDE AN EXCEPTION; REPEALING SECTIONS 23-926, 23-927 AND 23-928, IDAHO  
17 CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER  
18 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-926, IDAHO  
19 CODE, TO PROVIDE FOR THE POSTING OF AGE RESTRICTION SIGNS; AMENDING  
20 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-927,  
21 IDAHO CODE, TO PROHIBIT DISPENSING LIQUOR OFF PREMISES, TO PROVIDE  
22 EXCEPTIONS, TO PROHIBIT GAMING ON PREMISES AND TO PROVIDE AN EXCEP-  
23 TION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW  
24 SECTION 23-928, IDAHO CODE, TO PROVIDE FOR ALCOHOL BEVERAGE CATERING  
25 PERMITS AND APPLICATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY  
26 THE ADDITION OF A NEW SECTION 23-929, IDAHO CODE, TO PROVIDE A PROCEDURE  
27 FOR CITIES AND COUNTIES UPON THE FILING OF AN APPLICATION FOR AN ALCOHOL  
28 BEVERAGE CATERING PERMIT, TO PROVIDE FOR APPROVAL OR DISAPPROVAL, TO  
29 PROVIDE THAT COPIES SHALL BE SENT OR RETAINED BY SPECIFIED PERSONS AND  
30 TO PROVIDE THAT CERTAIN DOCUMENTS SHALL CONSTITUTE PERMITS; REPEALING  
31 SECTIONS 23-930, 23-931, 23-932, 23-933, 23-933A, 23-933B, 23-934,  
32 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938, 23-939,  
33 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947,  
34 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956  
35 AND 23-957, IDAHO CODE, RELATING TO THE RETAIL SALE OF LIQUOR BY THE  
36 DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW  
37 SECTION 23-930, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN  
38 REGULATORY AND PENALTY PROVISIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO  
39 CODE, BY THE ADDITION OF A NEW SECTION 23-931, IDAHO CODE, TO PROVIDE  
40 FOR THE DESTRUCTION OF STAMPS, TO PROVIDE SANITARY REQUIREMENTS AND  
41 TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING  
42 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-932,  
43 IDAHO CODE, TO PROHIBIT THE SALE OF LIQUOR ON CERTAIN DAYS AND AT CERTAIN  
44 TIMES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE CONSUMPTION OF LIQUOR  
45 ALREADY SERVED, TO PROVIDE THAT SPECIFIED CONDUCT REGARDING ALCOHOLIC  
46 BEVERAGE CONSUMPTION SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE FOR  
47 DUTIES REGARDING LOCKING UNSEALED CONTAINERS OF LIQUOR AND TO PROVIDE  
48 THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING CHAPTER 9,  
49 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933, IDAHO  
50 CODE, TO PROVIDE FOR THE DUTY OF PUBLIC OFFICERS; REPEALING SECTIONS

1 23-1020 AND 23-1022, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE  
 2 SALE OF BEER; AMENDING TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW  
 3 CHAPTER 12, TITLE 23, IDAHO CODE, TO PROVIDE FOR CLERK AND SERVER TRAIN-  
 4 ING, TO DEFINE TERMS, TO PROVIDE FOR APPROVED TRAINING, TO PROVIDE FOR  
 5 MANDATORY TRAINING FOR ON-PREMISES SALES, TO PROVIDE FOR VOLUNTARY  
 6 TRAINING FOR OFF-PREMISES SALES AND TO PROVIDE FOR ENFORCEMENT; AMEND-  
 7 ING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
 8 23-1304A, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF CERTAIN RESOLU-  
 9 TIONS AND ELECTIONS AND TO CLARIFY EFFECTIVENESS OF CERTAIN RESOLUTIONS  
 10 AND ELECTION RESULTS; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE  
 11 FOR GUIDELINES AND RULES REGARDING PERIODS OF SUSPENSION AND MONETARY  
 12 PAYMENT IN LIEU OF SUSPENSION; REPEALING SECTION 23-1335, IDAHO CODE,  
 13 RELATING TO PROVISIONS GOVERNING THE COUNTY OPTION KITCHEN AND TABLE  
 14 WINE ACT; AMENDING SECTION 18-7803, IDAHO CODE, TO REMOVE AND TO RE-  
 15 VISE CODE REFERENCES; AMENDING SECTIONS 23-1312, 23-1406, AND 39-5502,  
 16 IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 49-307, IDAHO  
 17 CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
 18 AMENDING SECTION 67-7446, IDAHO CODE, TO REVISE A CODE REFERENCE; AND  
 19 PROVIDING SEVERABILITY.

20 Be It Enacted by the Legislature of the State of Idaho:

21 SECTION 1. That Section 23-217, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER  
 24 MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director  
 25 of the division is hereby authorized and directed to include in the price  
 26 of alcoholic liquor and all other merchandise sold in the division, and its  
 27 branches, a surcharge equal to two percent (2%) of the current price per unit  
 28 computed to the nearest multiple of five cents (5¢).

29 (2) After the price of the surcharge has been included, the director of  
 30 the division is hereby authorized and directed to allow a discount of five  
 31 ten percent (510%) from the price of each order of alcoholic liquor and all  
 32 other merchandise sold to any licensee person holding a state liquor li-  
 33 cence, as defined in section 23-902(8), Idaho Code.

34 (3) The surcharge imposed pursuant to this section shall be collected  
 35 and credited monthly to the drug court, mental health court and family court  
 36 services fund, as set forth in section 1-1625, Idaho Code.

37 SECTION 2. That Section 23-603, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 23-603. DISPENSING TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS. (1)  
 40 Any person who is eighteen (18) years of age or older who shall sell, give,  
 41 or furnish, or cause to be sold, given, or furnished, alcohol beverage, in-  
 42 cluding any distilled spirits, beer or wine, to a person under the age of  
 43 twenty-one (21) years shall be guilty of a misdemeanor and upon conviction  
 44 thereof may be punished by a fine of not less than five hundred dollars (\$500)  
 45 nor more than one thousand dollars (\$1,000) per violation, or by imprison-  
 46 ment in the county jail for a period not to exceed one (1) year, or by both

1 such fine and imprisonment. A second or subsequent violation of this sec-  
 2 tion by the same defendant shall constitute a misdemeanor and upon convic-  
 3 tion thereof the defendant shall be punished by a fine of not less than one  
 4 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per  
 5 violation, or imprisonment in the county jail for a period not to exceed one  
 6 (1) year, or by both such fine and imprisonment. Notwithstanding the provi-  
 7 sions of section 19-4705, Idaho Code, moneys received pursuant to such fines  
 8 shall be deposited in the substance abuse treatment fund, as created in sec-  
 9 tion 23-408, Idaho Code. Upon conviction of any person for a violation of  
 10 the provisions of this section, the court shall notify the ~~director of the~~  
 11 ~~Idaho state police~~ responsible authority. The ~~director~~ responsible author-  
 12 ity shall review the circumstances of the conviction, and if the dispens-  
 13 ing took place at a licensed establishment or other retailer or distributor  
 14 premises, the ~~director~~ responsible authority may take administrative action  
 15 ~~he considers appropriate against the licensee or business including suspen-~~  
 16 ~~sion of the license for not to exceed six (6) months, a fine, or both such sus-~~  
 17 ~~pension and fine~~ consistent with section 23-617, Idaho Code.

18 (2) For the purposes of this section, "responsible authority" means the  
 19 director, or the city council, chief executive of a city, mayor, board of  
 20 county commissioners or entity established by ordinance that issued the mu-  
 21 nicipal license for municipal licensees.

22 SECTION 3. That Section 23-604, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED --  
 25 PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CER-  
 26 TAIN LICENSED PLACES. (1) Any person under twenty-one (21) years of age who  
 27 shall purchase, attempt to purchase, or otherwise consume or possess any al-  
 28 cohol beverage, including any distilled spirits, beer or wine, or who know-  
 29 ingly misrepresents his age for the purpose of entering a licensed premises  
 30 shall be guilty of an infraction upon a first violation and shall be guilty of  
 31 a misdemeanor upon a subsequent conviction and shall be punished according  
 32 to the schedule set out in section 18-1502, Idaho Code.

33 (2) No person under the age of twenty-one (21) years shall enter, remain  
 34 in or loiter in or about any place, as defined in this section, licensed for  
 35 the sale of liquor by the drink at retail, or sale of beer for consumption on  
 36 the premises; nor shall any licensee of either such place, or any person in  
 37 charge thereof, or on duty while employed by the licensee therein, permit or  
 38 allow any person under the age specified with respect thereto to remain in or  
 39 loiter in or about such place.

40 (3) Provided however, it is lawful for persons who are musicians and  
 41 singers eighteen (18) years of age or older, to enter and to remain in any  
 42 place, as defined in this section, but only during and in the course of their  
 43 employment as musicians and singers. Provided further, that it is lawful for  
 44 persons who are nineteen (19) years of age or older to sell, serve, possess or  
 45 dispense liquor, beer or wine in the course of their employment in any place,  
 46 as defined in this section, or in any other place where liquor, beer or wine  
 47 is lawfully present, as long as such place is the place of employment for such  
 48 persons under twenty-one (21) years of age. However, the provisions of this

1 subsection shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

2  
3 (4) For purposes of this section, "place" means any room of any premises  
4 licensed for the sale of liquor by the drink at retail wherein there is a  
5 bar and liquor, bar supplies and equipment are kept and where beverages con-  
6 taining alcoholic liquor are prepared or mixed and served for consumption  
7 therein, and any room of any premises licensed for the sale of beer for con-  
8 sumption on the premises wherein there is a bar and beer, bar supplies and  
9 equipment are kept and where beer is drawn or poured and served for consump-  
10 tion therein.

11 SECTION 4. That Chapter 6, Title 23, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 23-604B, Idaho Code, and to read as follows:

14 23-604B. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. (1) It  
15 shall not be unlawful for, nor shall section 23-604, Idaho Code, be construed  
16 to restrict any person under the age of twenty-one (21) years from entering  
17 or being:

18 (a) Upon the premises of any restaurant, eating establishment or  
19 lodging facility, as defined in section 23-902, Idaho Code, or in any  
20 railroad observation or club car or any airplane of a commercial air-  
21 line, notwithstanding that such premises may also be licensed for the  
22 sale of liquor by the drink or for the sale of beer for consumption on  
23 the premises or that alcohol beverages, or beer, or both, are prepared,  
24 mixed or dispensed and served and consumed therein;

25 (b) In any building, a part or portion of which is used as a place, as de-  
26 fined in this section, provided such place is separated or partitioned  
27 from the remainder of said building and access to such place through a  
28 doorway or doorways or other means of ingress can be controlled to pre-  
29 vent persons under the ages specified with respect thereto in section  
30 23-604, Idaho Code, from entering therein;

31 (c) In any baseball park, sports arena, convention center, multipur-  
32 pose arena, theater that is presenting live performances, or fair-  
33 grounds, notwithstanding that such premises or any portion thereof may  
34 be licensed for the sale of liquor by the drink, wine or beer for con-  
35 sumption on the premises or that such products are dispensed and served  
36 and consumed therein; provided however, that the person under the age  
37 of twenty-one (21) years is attending a lawful activity, show, exhibi-  
38 tion, performance or event on the premises or is required to be present  
39 as a condition of his employment. It is lawful for persons under the  
40 age of twenty-one (21) years to enter and remain in a baseball park,  
41 sports arena, convention center, multipurpose arena or theater that is  
42 presenting live performances, or fairgrounds, as long as the activity,  
43 show, exhibition, performance or event is lawful and the person does not  
44 violate section 23-604(2), Idaho Code;

45 (d) On the premises of any licensed brewery or winery, notwithstanding  
46 that such premises or any portion thereof may also be licensed for the  
47 sale of beer or wine for consumption on the premises or that beer or wine  
48 is dispensed and served and consumed therein;

1 (e) On the licensed premises of a wine retailer wholly owned and oper-  
 2 ated by a licensed winery that retails exclusively the products of that  
 3 winery;

4 (f) At a location, other than a liquor, beer, or wine licensed premises,  
 5 authorized to serve alcohol beverages under a valid alcohol beverage  
 6 catering permit; or

7 (g) In any movie theater that is allowed to sell beer or wine for con-  
 8 sumption on the premises pursuant to a valid license and which movie  
 9 theater had a license that was valid and not suspended or revoked on  
 10 January 1, 2006. No films, still pictures, electronic reproductions or  
 11 other visual reproductions which are in violation of chapter 41, title  
 12 18, Idaho Code, regarding indecency and obscenity, or are in violation  
 13 of federal law regarding pornography, indecency or obscenity shall be  
 14 shown or displayed on the premises. As used in this subsection, "movie  
 15 theater" means a motion picture theater that is being utilized solely  
 16 for exhibition of a motion picture.

17 (2) As used in this section, "place" means any room of any premises li-  
 18 censed for the sale of liquor by the drink at retail wherein there is a bar and  
 19 liquor, bar supplies and equipment are kept and where beverages containing  
 20 alcoholic liquor are prepared or mixed and served for consumption therein,  
 21 and any room of any premises licensed for the sale of beer for consumption on  
 22 the premises wherein there is a bar and beer, bar supplies and equipment are  
 23 kept and where beer is drawn or poured and served for consumption therein.

24 SECTION 5. That Section 23-605, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 23-605. DISPENSING TO DRUNK. (1) Any person who sells, gives, or dis-  
 27 pensates any alcohol beverage, including any distilled spirits, beer or wine,  
 28 to another person who is ~~intoxicated or apparently obviously~~ intoxicated  
 29 shall be guilty of a misdemeanor and, upon conviction thereof, may be pun-  
 30 ished by a fine of not less than five hundred dollars (\$500) nor more than one  
 31 thousand dollars (\$1,000) per violation, or by imprisonment in the county  
 32 jail for a period not to exceed one (1) year, or by both such fine and im-  
 33 prisonment. A second or subsequent violation of this section by the same  
 34 defendant shall constitute a misdemeanor and, upon conviction thereof, the  
 35 defendant shall be punished by a fine of not less than one thousand dollars  
 36 (\$1,000) nor more than two thousand dollars (\$2,000) per violation, or im-  
 37 prisonment in the county jail for a period not to exceed one (1) year, or by  
 38 both such fine and imprisonment. Notwithstanding the provisions of section  
 39 19-4705, Idaho Code, moneys received pursuant to such fines shall be de-  
 40 posited in the substance abuse treatment fund, as created in section 23-408,  
 41 Idaho Code. Upon conviction of any person for a violation of the provisions  
 42 of this section, the court shall notify the responsible authority. The re-  
 43 sponsible authority shall review the circumstances of the conviction, and,  
 44 if the dispensing took place at a licensed establishment or other retailer  
 45 or distributor, the responsible authority may take administrative action  
 46 consistent with section 23-617, Idaho Code.

47 (2) For the purposes of this section, "responsible authority" means the  
 48 director, or the city council, chief executive of a city, mayor, board of

1 county commissioners or entity established by ordinance that issued the mu-  
2 nicipal license for municipal licensees.

3 SECTION 6. That Chapter 6, Title 23, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 23-617, Idaho Code, and to read as follows:

6 23-617. VIOLATIONS -- ADMINISTRATIVE PENALTIES. (1) The following ad-  
7 ministrative penalties shall apply to licensees for violations of the pro-  
8 visions of this chapter if all of the licensee's employees, at the time of  
9 the violation, have completed an approved alcohol training program in accor-  
10 dance with chapter 12, title 23, Idaho Code:

11 (a) For the first and second violation within a three (3) year period, a  
12 written warning shall be issued to the licensee who employs or employed  
13 the violator by the responsible authority that administers the license;

14 (b) For the third violation within a three (3) year period, the respon-  
15 sible authority shall impose an administrative fine in the amount of  
16 five hundred dollars (\$500) on the licensee who employs or employed the  
17 violator; and

18 (c) For a fourth or subsequent violation within a three (3) year period,  
19 the responsible authority shall review the circumstances and may take  
20 additional administrative action against the licensee including, but  
21 not limited to, revoking of the license, subject to compliance with this  
22 title.

23 (2) The following administrative penalties shall apply to licensees  
24 for violations of the provisions of this chapter if any of the licensee's em-  
25 ployees, at the time of the violation, have not completed an approved alcohol  
26 training program in accordance with chapter 12, title 23, Idaho Code:

27 (a) For the first violation within a three (3) year period, the respon-  
28 sible authority shall impose an administrative fine in the amount of  
29 three hundred dollars (\$300) on the licensee who employs or employed the  
30 violator;

31 (b) For a second violation within a three (3) year period, the respon-  
32 sible authority shall impose an administrative fine in the amount of one  
33 thousand dollars (\$1,000) on the licensee who employs or employed the  
34 violator; and

35 (c) For a third or subsequent violation within a three (3) year period,  
36 the responsible authority shall review the circumstances and may take  
37 additional administrative action against the licensee including, but  
38 not limited to, revoking of the license, subject to compliance with this  
39 title.

40 (3) Any fines imposed on a state licensee pursuant to the provisions of  
41 this section shall be paid to the division to be distributed pursuant to sec-  
42 tion 23-923, Idaho Code.

43 (4) Any fines imposed on a municipal licensee pursuant to the provi-  
44 sions of this section shall be paid to the city or county that issued the mu-  
45 nicipal license.

46 (5) For the purposes of this section "responsible authority" means the  
47 director, or the city council, chief executive of a city, mayor, board of  
48 county commissioners or entity established by ordinance that issued the mu-  
49 nicipal license for municipal licensees.



1 SECTION 7. That Section 23-901, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 23-901. DECLARATION OF POLICY -- RETAIL SALE OF LIQUOR. It is hereby  
4 declared as the policy of the state of Idaho that it is necessary to further  
5 regulate and control the sale and distribution within the state of alcoholic  
6 beverages, and to eliminate certain illegal traffic in liquor now existing,  
7 and to ~~insure~~ ensure the entire control of the sale of liquor, it is advisable  
8 and necessary, in addition to the operation of the state liquor stores now  
9 provided by law, that the ~~director of the Idaho state police and the boards~~  
10 of county commissioners and the councils of cities in the state of Idaho be  
11 empowered and authorized to grant licenses for liquor by the drink to per-  
12 sons qualified under this act chapter to sell liquor purchased by them at  
13 state liquor stores at retail posted prices in accordance with this act title  
14 and under the rules promulgated by said director and under his strict super-  
15 vision and control and to provide severe penalty for the sale of liquor ex-  
16 cept by and in state liquor stores and by persons licensed under this act and  
17 regulation or ordinance enacted by a board of county commissioners or by a  
18 city council. The restrictions, rules, and provisions contained in this act  
19 chapter are enacted by the legislature for the protection, health, welfare  
20 and safety of the people of the state of Idaho and for the purpose of promot-  
21 ing and encouraging temperance in the use of alcoholic beverages within the  
22 state of Idaho.

23 SECTION 8. That Section 23-902, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 23-902. DEFINITIONS. The following words and phrases used in this  
26 chapter shall be given the following interpretation:

27 (1) ~~"Club" includes any of the following organizations where the sale~~  
28 ~~of spirituous liquor for consumption on the premises is made to members and~~  
29 ~~to bona fide guests of members only:~~

30 ~~(a) A post, chapter, camp or other local unit composed solely of vet-~~  
31 ~~erans and their duly recognized auxiliary, and which is a post, chap-~~  
32 ~~ter, camp or other local unit composed solely of veterans which has been~~  
33 ~~chartered by the congress of the United States for patriotic, fraternal~~  
34 ~~or benevolent purposes, and which has, as the owner, lessee or occupant,~~  
35 ~~operated an establishment for that purpose in this state; or~~

36 ~~(b) A chapter, aerie, parlor, lodge or other local unit of an Ameri-~~  
37 ~~can national fraternal organization, which has as the owner, lessee~~  
38 ~~or occupant, operated an establishment for fraternal purposes in this~~  
39 ~~state and actively operates in not less than thirty-six (36) states or~~  
40 ~~has been in continuous existence for not less than twenty (20) years;~~  
41 ~~and which has not less than fifty (50) bona fide members in each unit,~~  
42 ~~and which owns, maintains or operates club quarters, and is autho-~~  
43 ~~rized and incorporated to operate as a nonprofit club under the laws of~~  
44 ~~this state, and which has recognized tax exempt status under section~~  
45 ~~501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been con-~~  
46 ~~tinuously incorporated and operating for a period of not less than one~~  
47 ~~(1) year. The club shall have had during that period of one (1) year, a~~  
48 ~~bona fide membership with regular meetings conducted at least once each~~

1 month, and the membership shall be and shall have been actively engaged  
2 in carrying out the objects of the club. The club membership shall  
3 consist of bona fide dues paying members, recorded by the secretary of  
4 the club, paying at least six dollars (\$6.00) per year in dues, payable  
5 monthly, quarterly or annually; and the members at the time of applica-  
6 tion for a club license shall be in good standing, having paid dues for  
7 at least one (1) full year.

8 ~~(2)~~ "Convention" means a formal meeting of members, representatives,  
9 or delegates, as of a political party, fraternal society, profession or in-  
10 dustry.

11 ~~(3)~~ "Director" means the director of the Idaho state police.

12 (3) "Eating establishment" means a restaurant, cafe, dining room, cof-  
13 fee shop, cafeteria or other establishment that must utilize at least sev-  
14 enty-five percent (75%) of the gross floor area for the preparation, cook-  
15 ing and serving of complete meals, have and actively operate a commercial  
16 kitchen that includes a type 1 commercial hood and cooking equipment, ex-  
17 cluding microwave ovens and grills, capable of cooking complete meals and  
18 be a public place kept, maintained and advertised as a place where complete  
19 meals are served and where complete meals are actually and regularly served  
20 during the time the establishment is open to the public. Limited food ser-  
21 vice, such as is provided by luncheonettes, drive-ins, sandwich shops and  
22 other similar uses does not meet the requirements of this definition.

23 (4) "Festival" means a period or program of festive activities, cul-  
24 tural events or entertainment lasting three (3) or more consecutive days.

25 (5) "Gaming" means any and all gambling or games of chance defined in  
26 chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof,  
27 whether those games are licensed or unlicensed.

28 ~~(6)~~ "Interdicted person" means a person to whom the sale of liquor is  
29 prohibited under law.

30 ~~(7)~~ "License" means a license issued by the director to a qualified per-  
31 son, under which it shall be lawful for the licensee to sell and dispense  
32 liquor by the drink at retail, as provided by law.

33 ~~(8)~~ "Licensee" means the person to whom a license is issued under the  
34 provisions of law.

35 ~~(9)~~ "Liquor" means all kinds of liquor sold by and in a state liquor  
36 store of the state of Idaho.

37 ~~(10)~~ "Live performance" means a performance occurring in a theater and  
38 not otherwise in violation of any provision of Idaho law.

39 (8) "Lodging facility" means a building with permanent bona fide  
40 overnight accommodations available to the general public.

41 ~~(11)~~ "Municipal license" means a license issued by a municipality  
42 county or incorporated city of the state of Idaho under the provisions of  
43 law.

44 ~~(12)~~ "Party" means a social gathering especially for pleasure or  
45 amusement and includes, but is not limited to, such social events as wed-  
46 dings, birthdays, and special holiday celebrations to include, but not be  
47 limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day,  
48 the Fourth of July and Labor Day.

49 ~~(13)~~ "Person" means any individual, corporation, business corpora-  
50 tion, nonprofit corporation, benefit corporation as defined in section

1 30-2002(1), Idaho Code, partnership, limited partnership, limited liability  
2 company, general cooperative association, limited cooperative asso-  
3 ciation, estate, unincorporated nonprofit association, statutory trust,  
4 business trust, common-law business trust, estate trust, association,  
5 joint venture, public corporation, government or governmental subdivision,  
6 agency or instrumentality, any entity defined in section 30-21-102, Idaho  
7 Code, or any other commercial entity, whether conducting the business sin-  
8 gularly or collectively.

9 (142) "Premises" means the building and contiguous property owned, or  
10 leased or used under a government permit by a licensee as part of the busi-  
11 ness establishment in the business of sale of liquor by the drink at retail,  
12 which property is improved to include decks, docks, boardwalks, lawns, gar-  
13 dens, golf courses, ski resorts, courtyards, patios, poolside areas or simi-  
14 lar improved appurtenances in which the sale of liquor by the drink at retail  
15 is authorized under the provisions of law.

16 (13) "Qualified applicant" means any person who has a valid retail beer  
17 license issued under the laws of the state of Idaho.

18 (154) "Rules" means rules promulgated by the director or ordinances en-  
19 acted by a county or city in accordance with the provisions of law.

20 (15) "Specialty license" means a license duly issued by the director  
21 prior to July 1, 2018, to a person, owner, operator or lessee of a: golf  
22 course; winery; ski resort; equestrian facility; restaurant operated in an  
23 airport; club; convention center; gondola resort complex; food, conference  
24 and lodging facility; dining club or buffet car operated in connection with  
25 regularly operated train service, or common carrier boat or common carrier  
26 airline; waterfront resort; cross-country skiing facility; racing facil-  
27 ity; theme park; ski resort facility or golf course which has had a split in  
28 ownership; or a year-round resort.

29 (16) "State liquor license" means a license issued by the director  
30 prior to July 1, 2018, under which it shall be lawful for the licensee to sell  
31 and dispense liquor by the drink at retail, as provided by law.

32 (167) "State liquor store" means a liquor store or distributor estab-  
33 lished under and pursuant to the laws of the state of Idaho for the package  
34 sale of liquor at retail.

35 (178) "Theater" means a room, place or outside structure for perfor-  
36 mances or readings of dramatic literature, plays or dramatic representa-  
37 tions of an art form not in violation of any provision of Idaho law.

38 (189) "Brewery" means a place, premises or establishment for the manu-  
39 facture, bottling or canning of beer.

40 (1920) "Winery" means a place, premises or establishment within the  
41 state of Idaho for the manufacture or bottling of table wine or dessert wine  
42 for sale. Two (2) or more wineries may use the same premises and the same  
43 equipment to manufacture their respective wines, to the extent permitted by  
44 federal law.

45 (201) All other words and phrases used in this chapter, the definitions  
46 of which are not ~~herein~~ given in this section, shall be given their ordinary  
47 and commonly understood and acceptable meanings.

48 SECTION 9. That Sections [23-903](#), [23-903a](#), [23-903b](#), [23-904](#), [23-905](#),  
49 [23-906](#), [23-907](#) and [23-908](#), Idaho Code, be, and the same are hereby repealed.

1 SECTION 10. That Chapter 9, Title 23, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 23-903, Idaho Code, and to read as follows:

4 23-903. NO RETAIL SALE EXCEPT BY THE DRINK -- RESTRICTIONS ON  
5 SALES. (1) It shall be unlawful for any licensee to sell, keep for sale,  
6 dispense, give away, or otherwise dispose of any liquor in the original con-  
7 tainers or otherwise than by retail sale by the drink.

8 (2) No person licensed pursuant this title, or his agent, officer, or  
9 employee, shall sell, deliver, give away, or allow the consumption of any al-  
10 cohool beverage, including distilled spirits, beer or wine, to:

11 (a) Any person under the age of twenty-one (21) years. Proof of proper  
12 age shall be a validly issued state, district, territorial, provincial,  
13 national or other equivalent driver's license, government identifica-  
14 tion card, military identification card or passport bearing a photo-  
15 graph and date of birth; or

16 (b) Any person obviously intoxicated.

17 SECTION 11. That Chapter 9, Title 23, Idaho Code, be, and the same is  
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
19 ignated as Section 23-904, Idaho Code, and to read as follows:

20 23-904. GRANDFATHER CLAUSE. Any person who, on July 1, 2018, holds  
21 a valid retail liquor license shall be accorded "grandfather rights," and  
22 shall be deemed to have a state liquor license and be subject to the applica-  
23 ble provisions of this chapter and rules promulgated by the director. State  
24 liquor licenses, unless stated otherwise or prohibited by ordinance, shall  
25 be freely transferable throughout the state of Idaho wherever liquor by  
26 the drink establishments are allowed. Specialty licenses that were issued  
27 prior to July 1, 2018, shall also be deemed state liquor licenses; provided  
28 however, these licenses shall not be transferred to any other location or  
29 person.

30 SECTION 12. That Chapter 9, Title 23, Idaho Code, be, and the same is  
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
32 ignated as Section 23-905, Idaho Code, and to read as follows:

33 23-905. AUTHORIZATION FOR COUNTIES AND CITIES TO LICENSE RETAIL  
34 LIQUOR. (1) Counties are hereby empowered and authorized to issue municipi-  
35 pal licenses to qualified applicants for eating establishments and lodging  
36 facilities outside the incorporated limits of any city within said county,  
37 as provided in this section, whereby the licensee shall be authorized and  
38 permitted to sell liquor by the drink at retail and, upon the issuance of  
39 such license, the licensee therein named shall be authorized to sell liquor  
40 by the drink at retail, but only in accordance with the provisions of this  
41 chapter and any rules promulgated or ordinance adopted by the board of county  
42 commissioners of the licensing county.

43 (2) Incorporated cities are hereby empowered and authorized to issue  
44 municipal licenses to qualified applicants for eating establishments and  
45 lodging facilities within the corporate limits of such city, as provided  
46 in this section, whereby the licensee shall be authorized and permitted to

1 sell liquor by the drink at retail and, upon the issuance of such license,  
2 the licensee therein named shall be authorized to sell liquor by the drink at  
3 retail, but only in accordance with the provisions of this chapter and any  
4 rules promulgated or ordinance adopted by the city council of the licensing  
5 city.

6 (3) The boards of county commissioners and city councils are empowered  
7 to create rules, requirements and criteria by ordinance for the equitable  
8 and fair administration of municipal licenses consistent with state law;  
9 provided however, that any such criteria shall not be inconsistent with this  
10 chapter.

11 SECTION 13. That Chapter 9, Title 23, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 23-906, Idaho Code, and to read as follows:

14 23-906. REFERENDUM. Municipal licenses may be issued after sixty (60)  
15 days of the effective date of this act unless there is an existing resolu-  
16 tion or ordinance, or one is adopted by a city council or county commission,  
17 or an election, pursuant to this chapter and Idaho law, is held to prohibit  
18 municipal licenses for the retail sale of liquor by the drink. Within sixty  
19 (60) days after the effective date of this act, a petition in writing pro-  
20 posed by a person and signed by not less than twenty percent (20%) of the reg-  
21 istered, qualified electors of any county or city may be filed with the clerk  
22 of said county or city as their protest against the authority of the govern-  
23 ing body to issue municipal licenses in said county or city under the provi-  
24 sions of this act. In the event said petition is presented, the governing  
25 body of any such county or city shall, within five (5) days after the presen-  
26 tation of said petition, meet and determine the sufficiency thereof by as-  
27 certaining whether said petition is signed by the required number of regis-  
28 tered, qualified electors of the county or city affected. In the event the  
29 governing body of said county or city determines that said petition is signed  
30 by the required percentage of registered, qualified electors, said govern-  
31 ing body shall forthwith make an order calling an election to be held within  
32 said county or city, subject to the provisions of chapter 6, title 34, Idaho  
33 Code, in the manner provided by law for holding elections for county or city  
34 officers. All laws of the state of Idaho relating to the holding of elections  
35 of county or city officers for such county or city, whether special charter  
36 or general law of the state, shall apply to the holding of the election pro-  
37 vided for in this section, except where specifically modified in this sec-  
38 tion. In addition to the other requirements of law, the notice of election  
39 shall notify the electors of the issue to be voted on at said election.

40 SECTION 14. That Chapter 9, Title 23, Idaho Code, be, and the same is  
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
42 ignated as Section 23-907, Idaho Code, and to read as follows:

43 23-907. FORM OF BALLOT. The county or city clerk must furnish the bal-  
44 lots to be used in such election, which ballots must contain the following  
45 words:

46 "Municipal licenses for the sale of liquor by the drink, Yes,"

47 "Municipal licenses for the sale of liquor by the drink, No,"

1 and the elector, in order to vote, must mark opposite one (1) of the questions  
2 in a space provided therefor.

3 SECTION 15. That Chapter 9, Title 23, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 23-908, Idaho Code, and to read as follows:

6 23-908. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED. Upon a  
7 canvass of the votes cast, the clerk of the county or city shall certify the  
8 result thereof to the governing body. If a majority of the votes cast are  
9 "sale of liquor by the drink, Yes," municipal licenses shall be issued in  
10 said county or city as provided in this act. If a majority of the votes cast  
11 are "sale of liquor by the drink, No," then no municipal licenses shall be  
12 issued in said county or city unless thereafter authorized by a subsequent  
13 election in said county or city; provided however, that nothing in this sec-  
14 tion, nor any resolution shall be construed to prevent or prohibit the sale  
15 of liquor at or by a state liquor store, state distributor or holder of a  
16 state liquor license issued for a premises within such county or city.

17 SECTION 16. That Chapter 9, Title 23, Idaho Code, be, and the same is  
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
19 ignated as Section 23-909, Idaho Code, and to read as follows:

20 23-909. SUBSEQUENT ELECTIONS. An election may be subsequently called  
21 and held on the issue of whether the sale of liquor by the drink shall be  
22 prohibited or, if prohibited, then an election to determine whether sale  
23 of liquor by the drink shall be permitted. Such subsequent election shall  
24 be held upon the filing of a petition, as provided in section 23-906, Idaho  
25 Code, signed by the requisite percentage of qualified electors. No such sub-  
26 sequent election shall be held prior to November 1, 2018, or more often than  
27 two (2) years after the holding of any such subsequent election.

28 SECTION 17. That Sections 23-910, 23-911, 23-912, 23-913, 23-914,  
29 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code, be,  
30 and the same are hereby repealed.

31 SECTION 18. That Chapter 9, Title 23, Idaho Code, be, and the same is  
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
33 ignated as Section 23-910, Idaho Code, and to read as follows:

34 23-910. APPLICATION FOR MUNICIPAL LICENSES. (1) Prior to the issuance  
35 of a municipal license as provided in this section, an applicant shall file  
36 with the county, if outside the limits of an incorporated city or alterna-  
37 tively, the city, if the premises is located within an incorporated city, an  
38 application, in writing, signed by the applicant and containing such infor-  
39 mation and statements relative to the applicant and the premises where the  
40 liquor is to be sold as may be required by the county or city, along with a  
41 nonrefundable application fee of four hundred dollars (\$400). The applica-  
42 tion shall be verified by the affidavit of the person making the same before  
43 a person authorized to administer oaths and shall be accompanied by the li-  
44 cense fee required in this section.

1 (2) In addition to setting forth the qualifications required by other  
2 provisions of this act, the applicant must show:

3 (a) A complete copy of the beer license application filed with the state  
4 pursuant to chapter 10, title 23, Idaho Code;

5 (b) A copy of a valid state beer license issued to the applicant;

6 (c) A copy of a valid county beer license issued to the applicant; and

7 (d) If, during the period of any license issued pursuant to this sec-  
8 tion, any change shall take place in any of the requirements of this  
9 subsection, the licensee shall forthwith make a written report of such  
10 change to the respective local authority.

11 SECTION 19. That Chapter 9, Title 23, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 23-911, Idaho Code, and to read as follows:

14 23-911. INVESTIGATION OF APPLICATIONS -- PENALTY FOR FALSE STATE-  
15 MENTS. (1) Upon receipt of an application for a municipal license under  
16 this act, accompanied by the necessary license fee, the county or city,  
17 if the premises are within an incorporated city, within ninety (90) days  
18 thereafter, may cause to be made a thorough investigation of all matters  
19 pertaining thereto. If the county or city, if applicable, determines that  
20 the contents of the application are true, that such applicant is qualified  
21 to receive a license, and that the requirements of this act and the rules  
22 promulgated by the county or city are met and complied with, it shall issue  
23 such license; otherwise the application shall be denied and the license fee,  
24 less the costs and expenses of investigation, returned to the applicant.

25 (2) In making an investigation pursuant to this section, the county or  
26 city shall have the power to investigate and examine the books and records  
27 of the licensee and any person having a financial interest in any business to  
28 be conducted on the licensed premises, including, but not limited to, their  
29 bank accounts, returns filed under the Idaho income tax act, as amended, and  
30 any other sources of information deemed desirable by the county or city and  
31 not specifically prohibited by law.

32 (3) If any false statement is made in any part of said application, or  
33 any subsequent report, the applicant, or applicants, shall be deemed guilty  
34 of a felony and upon conviction thereof shall be imprisoned in the state  
35 prison for not less than one (1) year nor more than five (5) years and fined  
36 not less than one thousand dollars (\$1,000) nor more than five thousand dol-  
37 lars (\$5,000), or both such fine and imprisonment.

38 SECTION 20. That Chapter 9, Title 23, Idaho Code, be, and the same is  
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
40 ignated as Section 23-912, Idaho Code, and to read as follows:

41 23-912. RULES AND REGULATIONS -- FORMS AND RECORDS. (1) For the pur-  
42 pose of the administration of state liquor licenses, the director shall  
43 make, promulgate and publish such rules and regulations as said director  
44 may deem necessary for carrying out the provisions of this act and for the  
45 orderly and efficient administration of this section, and except as may be  
46 limited or prohibited by law and the provisions of this act, such rules and  
47 regulations so made and promulgated shall have the force of statute. With-

1 out limiting the generality of the provisions of this section, the director  
2 shall be empowered and it is made his duty to prescribe forms to be used in  
3 the administration of this act, the proof to be furnished and the conditions  
4 to be observed in the issuance of state liquor licenses, prescribing forms  
5 or records to be kept of the sale of liquor, prescribing notices required by  
6 this act or the regulations thereof, and the manner of giving and serving  
7 the same, prescribing, subject to the provisions of this act, the conditions  
8 and qualifications necessary to transfer a license if allowed, the books  
9 and records to be kept by the licensee, the form of returns to be made by  
10 the licensee, and providing for the inspection of such licensed premises,  
11 specifying and describing the place and manner in which the liquor may be  
12 lawfully kept or stored, covering the conduct, management and equipment of  
13 premises licensed to sell liquor and make regulations respecting the sale  
14 and consumption of liquor.

15 (2) The licensing authority of any county or incorporated city shall  
16 have and exercise the same powers to administer municipal licenses issued or  
17 issuable by it as are granted to the director in this section.

18 (3) Every licensee shall advise himself of such rules and regulations,  
19 and ignorance thereof shall be no defense.

20 SECTION 21. That Chapter 9, Title 23, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 23-913, Idaho Code, and to read as follows:

23 23-913. LICENSE FEES. (1) Each city council and board of county com-  
24 missioners is authorized and empowered to impose and collect a onetime, non-  
25 refundable application fee and the annual license fee from qualified appli-  
26 cants.

27 (2) Each city council and board of county commissioners is authorized  
28 and empowered to impose and collect an annual license fee for municipal li-  
29 censes it issues in an amount not less than three thousand dollars (\$3,000).  
30 In establishing the amount of such fee, a city or county may consider the im-  
31 pacts of newly licensed establishments, including both direct and indirect  
32 costs upon municipal services, maintenance of public safety and other costs  
33 of managing municipal licenses.

34 (3) The director is hereby authorized and empowered to impose and col-  
35 lect an annual license fee for state liquor licenses as follows:

36 (a) For each license in a city having a population of one thousand  
37 (1,000) or less, three hundred dollars (\$300) per annum.

38 (b) For each license in a city having a population of one thousand  
39 (1,000) to three thousand (3,000), five hundred dollars (\$500) per an-  
40 num.

41 (c) For each license in a city having a population of more than three  
42 thousand (3,000), seven hundred fifty dollars (\$750) per annum.

43 (d) For each railroad train for sale only in buffet, club or dining  
44 cars, fifty dollars (\$50.00) per annum of the scheduled run of such  
45 train within the state of Idaho; provided however, that such license  
46 shall be in full, and in lieu of all other licenses provided for in this  
47 section.

48 (e) For each common carrier boat line for sale only in buffet, club or  
49 dining rooms, two hundred fifty dollars (\$250) per annum. Such license



1 shall be in full, and in lieu of all other licenses provided for in this  
2 section.

3 (f) For each license issued to the owner, operator, or lessee of a golf  
4 course as described in section 23-902, Idaho Code, or to the lessee of  
5 any premises situate on such golf course, situate in any county having a  
6 population of:

7 (i) Less than twenty thousand (20,000), two hundred dollars  
8 (\$200) per annum;

9 (ii) Twenty thousand (20,000) but less than forty thousand  
10 (40,000), three hundred dollars (\$300) per annum; and

11 (iii) Forty thousand (40,000) or more, four hundred dollars (\$400)  
12 per annum.

13 (g) For each common carrier airline for sale only in common carrier air-  
14 craft, two hundred fifty dollars (\$250) per annum. Such license shall  
15 be in full, and in lieu of all other licenses provided for in this sec-  
16 tion.

17 (h) For each license issued to the owner, operator, or lessee of a  
18 restaurant operated in an airport, as described in section 23-902,  
19 Idaho Code, situate within the corporate limits of a city, the fee shall  
20 be the same as provided in paragraphs (a) through (c) of this subsec-  
21 tion.

22 (i) For each license issued to the owner, operator, or lessee of a  
23 restaurant operated in an airport, as described in section 23-902,  
24 Idaho Code, situate without the corporate limits of a city, the fee  
25 shall be the same as provided in paragraph (f) of this section. Licenses  
26 issued pursuant to the provisions of this chapter shall expire at 1:00  
27 a.m. on the first day of January of the following year.

28 (j) For each license issued to an owner or operator of a year-round  
29 resort as described in section 23-902, Idaho Code, a onetime fee of  
30 twenty-five thousand dollars (\$25,000), with a subsequent renewal fee  
31 of three thousand five hundred dollars (\$3,500) per annum. For each  
32 license issued to an owner or operator of a beverage, lodging or din-  
33 ing facility within the premises of a year-round resort as described  
34 in section 23-902, Idaho Code, a onetime fee of twenty-five thousand  
35 dollars (\$25,000), with a subsequent renewal fee of three thousand five  
36 hundred dollars (\$3,500) per annum. For each license issued to a lessee  
37 of a beverage, lodging or dining facility within the premises of the  
38 year-round resort as described in section 23-902, Idaho Code, a onetime  
39 fee of twenty-five thousand dollars (\$25,000), with a subsequent re-  
40 newal fee of three thousand five hundred dollars (\$3,500) per annum.

41 (4) Provided that any licensee who operates for only a portion of a year  
42 may have his license fee prorated from the date he commences operation to the  
43 end of the calendar year, but in no event for less than six (6) months.

44 (5) In the event a licensee who was previously issued a license on a pro-  
45 rated basis, pursuant to the provisions of this section, desires to have such  
46 license renewed for the same period for the next succeeding year, he shall  
47 file his intention to so apply for such license with the director, accompa-  
48 nied by the fee required for the issuance of such license on or before Decem-  
49 ber 31 of the year preceding.

1 (6) The license fees provided for in this section are exclusive of and  
2 in addition to other license fees chargeable in the state of Idaho.

3 SECTION 22. That Chapter 9, Title 23, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 23-915, Idaho Code, and to read as follows:

6 23-915. PERSONS NOT QUALIFIED TO BE LICENSED. No municipal license  
7 shall be issued to, nor shall a state liquor license be transferred, if al-  
8 lowed, to:

9 (1) Any person, or any one (1) of its members, officers, or governing  
10 board, who has, within three (3) years prior to the date of making applica-  
11 tion, been convicted of any violation of the laws of the United States, the  
12 state of Idaho, or any other state of the United States, or of the resolutions  
13 or ordinances of any county or city of this state, relating to the importa-  
14 tion, transportation, manufacture or sale of alcoholic liquor or beer; or  
15 who has been convicted, paid any fine, been placed on probation, received a  
16 deferred sentence, received a withheld judgment or completed any sentence of  
17 confinement for any felony within five (5) years prior to the date of making  
18 application for any license;

19 (2) A person who is engaged in the operation, or interested therein, of  
20 any house or place for the purpose of prostitution or who has been convicted  
21 of any crime or misdemeanor opposed to decency and morality;

22 (3) A person whose license issued under this act has been revoked;  
23 an individual who was a member of a partnership or association that was a  
24 licensee under this act and whose license has been revoked; an individual  
25 who was an officer, member of the governing board or one (1) of the ten (10)  
26 principal stockholders of a corporation that was a licensee under this act  
27 and whose license has been revoked; a partnership or association, one (1) of  
28 whose members was a licensee under this act and whose license was revoked; a  
29 corporation, one (1) of whose officers, members of the governing board or ten  
30 (10) principal stockholders was a licensee under the provisions of this act  
31 and whose license has been revoked; an association or partnership, one (1) of  
32 whose members was a member of a partnership or association licensed under the  
33 provisions of this act and whose license has been revoked; a partnership or  
34 association, one (1) of whose members was an officer, a member of the govern-  
35 ing board, or one (1) of the ten (10) principal stockholders of a corporation  
36 licensed under the provisions of this act and whose license has been revoked;  
37 a corporation, one (1) of whose officers, members of the governing board, or  
38 ten (10) principal stockholders was a member of a partnership or association  
39 licensed under the provisions of this act and whose license was revoked;  
40 a corporation, one (1) of whose officers, members of the governing board,  
41 or ten (10) principal stockholders was an officer, member of the governing  
42 board, or one (1) of the ten (10) principal stockholders of a corporation  
43 licensed under the provisions of this act and whose license was revoked;

44 (4) Any officer, agent, or employee of any distillery, winery, brewery,  
45 or any wholesaler, or jobber, of liquor or malt beverages except as provided  
46 in section 23-918, Idaho Code. This prohibition shall not apply to offi-  
47 cers, agents, or employees of any winery operating a golf course on the same  
48 premises as the winery; or

1 (5) A person who does not hold a retail beer license issued by the state  
2 of Idaho.

3 (6) Any license, held by any licensee disqualified under the provisions  
4 of this section from being issued a license, shall forthwith be revoked.

5 SECTION 23. That Chapter 9, Title 23, Idaho Code, be, and the same is  
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
7 ignated as Section 23-916, Idaho Code, and to read as follows:

8 23-916. LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEP-  
9 TIONS. No municipal or state liquor license shall be issued or transferred,  
10 respectively, to any premises in any neighborhood that is predominantly  
11 residential or within three hundred (300) feet of any public school, church,  
12 or any other place of worship, measured in a straight line to the nearest en-  
13 trance to the licensed premises, except with the approval of the city council  
14 or board of county commissioners; provided however, that this limitation  
15 shall not apply to any duly licensed premises that at the time of licensing  
16 did not come within the restricted area, but subsequent to licensing came  
17 within the restricted area.

18 SECTION 24. That Chapter 9, Title 23, Idaho Code, be, and the same is  
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
20 ignated as Section 23-917, Idaho Code, and to read as follows:

21 23-917. RESTRICTIONS ON MANUFACTURERS, TRANSPORTERS OR DIS-  
22 TILLERS. Except as provided in sections 23-915 and 23-918, Idaho Code, no  
23 manufacturer, rectifier, wholesaler, stockholder, shareholder, partner or  
24 the owner of any other interest in any corporation, association or partner-  
25 ship financially interested in the manufacture, transportation or sale of  
26 liquor shall furnish, give, rent, lend or sell any equipment or fixtures di-  
27 rectly or indirectly, or through a subsidiary or affiliate or by any officer,  
28 director or firm member of the industry or otherwise furnish financial aid  
29 to any person engaged in the sale of liquor pursuant to this section and no  
30 licensee pursuant to this section shall receive or be the beneficiary of any  
31 of the benefits hereby prohibited.

32 SECTION 25. That Chapter 9, Title 23, Idaho Code, be, and the same is  
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
34 ignated as Section 23-918, Idaho Code, and to read as follows:

35 23-918. RESTRICTIONS OF PERSONS INTERESTED IN PREMISES. (1) Except  
36 as provided in subsection (2) of this section, no manufacturer, rectifier,  
37 wholesaler, stockholder, shareholder, partner or the owner of any other  
38 interest in any corporation, association or partnership financially inter-  
39 ested in the manufacture, transportation (except public carriers), or sale  
40 of liquor shall hold any interest in any premises licensed pursuant to this  
41 section for the sale of liquor or receive any rental or remuneration from any  
42 such premises.

43 (2) A manufacturer, rectifier, wholesaler, stockholder, shareholder,  
44 partner or the owner of any interest in any corporation, association or part-  
45 nership financially interested in the manufacture, transportation or sale

1 of liquor may hold interest in a licensed premises if the licensed premises  
2 serves food cooked on the site of the licensed premises, and the person or en-  
3 tity can show through recordkeeping that no more than fifty percent (50%) of  
4 the gross revenue to the licensed premises is derived from the sale of alco-  
5 holic beverages on site. The owner of the licensed premises pursuant to this  
6 subsection shall comply with and be subject to all other rules, regulations  
7 or other provisions of law that apply to manufacturers, rectifiers, whole-  
8 salers, stockholders, shareholders, partners or the owners of any interest  
9 in any corporation, association or partnership financially interested in  
10 the manufacture, transportation or sale of liquor save and except as such  
11 rules, regulations or laws may restrict such sales at the licensed premises.  
12 The holder of a license pursuant to this section shall not be disqualified  
13 from holding a beer license, a retail wine license or wine by the drink li-  
14 cense for the sale of beer or wine at the licensed premises on the grounds  
15 that the licensee is also a manufacturer, wholesaler, stockholder, share-  
16 holder, partner or the owner of any interest in any corporation, association  
17 or partnership financially interested in the manufacture, transportation or  
18 sale of liquor, beer or wine. This subsection shall not be deemed to grant a  
19 license for the retail sale of liquor by the drink, and the license must be  
20 obtained through normal lawful means.

21 SECTION 26. That Chapter 9, Title 23, Idaho Code, be, and the same is  
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
23 ignated as Section 23-919, Idaho Code, and to read as follows:

24 23-919. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. (1)  
25 Every municipal license issued under the provisions of this chapter shall  
26 set forth the name of the person to whom it is issued, the location by street  
27 and number, or other definite designation of the premises, and such other in-  
28 formation as the county or city, if the premises are within an incorporated  
29 city, shall deem necessary. If issued to a partnership, the names of the per-  
30 sons constituting such partnership shall be set forth in the application.  
31 If issued to a corporation or association, the names of the principal offi-  
32 cers and the governing board shall be set forth in the application. Such li-  
33 cense shall be signed by the licensee and prominently displayed in the place  
34 of business at all times.

35 (2) Such municipal license shall be site-specific and not be trans-  
36 ferred to any other location or person.

37 (3) Every municipal and state liquor license is separate and distinct  
38 and no person except the licensee therein named, except as otherwise pro-  
39 vided in this section, shall exercise any of the privileges granted thereun-  
40 der. All licenses shall expire at 1:00 a.m. on the first day of the renewal  
41 month which shall be determined by rule and shall be subject to annual re-  
42 newal upon proper application. Renewal applications for liquor by the drink  
43 licenses accompanied by the required fee must be filed on or before the first  
44 day of the designated renewal month. Any licensee holding a valid license  
45 who fails to file an application for renewal of his current license on or be-  
46 fore the first day of the designated renewal month shall have a grace period  
47 of an additional thirty-one (31) days in which to file an application for re-  
48 newal of the license. The licensee shall not be permitted to sell and dis-

1   pense liquor by the drink at retail during the thirty-one (31) day extended  
2   time period unless and until the license is renewed.

3       (4) An application to transfer any state liquor license shall be made to  
4   the director. Upon receipt of such an application, the director shall make  
5   the same investigation and determinations with respect to the transferee as  
6   are required by sections 23-910 and 23-911, Idaho Code, and if the director  
7   shall determine that all of the conditions required of a licensee under this  
8   chapter have been met by the proposed transferee, then the license shall be  
9   endorsed over to the proposed transferee by said licensee for the remainder  
10  of the period for which such license has been issued and the director shall  
11  issue a license to the transferee.

12       (5) The director, in his discretion, may deny the transfer of a license  
13  during the pendency of any proceedings for suspension or revocation that  
14  were instituted pursuant to the terms of this chapter.

15       (6) The fee for transferring a state liquor license shall be ten percent  
16  (10%) of the purchase price of the state liquor license or the cost of good  
17  will, whichever is greater; except no fee shall be collected in the following  
18  events:

19       (a) The transfer of a license between husband and wife in the event of a  
20  property division;

21       (b) The transfer of a license to a receiver, trustee in bankruptcy or  
22  similar person or officer;

23       (c) The transfer of a license to the heirs or personal representative of  
24  the estate in the event of the death of the licensee;

25       (d) The transfer of a license arising out of the dissolution of a part-  
26  nership where the license is transferred to one (1) or more of the part-  
27  ners; or

28       (e) The transfer of a license within a family, whether an individual,  
29  partnership or corporation.

30       (7) The fee for transferring a state liquor license for other than a  
31  sale shall be fifty percent (50%) of the per annum license fee for state  
32  liquor licenses set forth in section 23-913, Idaho Code, except no fee shall  
33  be collected for transfers as outlined in subsection (6) of this section.

34       SECTION 27. That Chapter 9, Title 23, Idaho Code, be, and the same is  
35  hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36  ignated as Section 23-920, Idaho Code, and to read as follows:

37       23-920. RESTRICTION AGAINST TRANSFER OF STATE LIQUOR LICENSES. (1) No  
38  state liquor license shall be transferred, assigned, leased or sold if:

39       (a) The state liquor license when issued was not transferable;

40       (b) The state tax commission has notified the director and the licensee  
41  in writing that any tax imposed by chapters 30 and 36, title 63, Idaho  
42  Code, interest, penalty, and additional amount, which has accrued as a  
43  result of the operation of the licensed premises, has been assessed as  
44  that term is described in section 63-3045A, Idaho Code, against the li-  
45  censee or any person operating the licensed premises with the permis-  
46  sion of the licensee; or

47       (c) The department of labor has notified the director and the licensee  
48  in writing that a lien has been filed against the licensee or any person  
49  operating the licensed premises with the permission of the licensee, as

1 a result of the operation of the licensed premises securing amounts due  
2 pursuant to chapter 13, title 72, Idaho Code.

3 (2) At such time as the state tax commission or the department of la-  
4 bor has notified the director and licensee as provided in this section, the  
5 license issued for the premises, the operation of which has resulted in the  
6 accrual of the tax for which the warrant or lien is outstanding, shall be sub-  
7 ject to levy and distraint pursuant to chapter 30, title 63, Idaho Code, or  
8 seizure pursuant to section 72-1360A, Idaho Code.

9 SECTION 28. That Chapter 9, Title 23, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 23-921, Idaho Code, and to read as follows:

12 23-921. SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES. (1) The  
13 director may suspend, revoke or refuse to renew a state liquor license for  
14 any violation of, or failure to comply with, the provisions of this chapter  
15 or rules and regulations promulgated by the director pursuant to the terms  
16 and conditions of this chapter. Procedures for the suspension, revocation  
17 or refusal to renew licenses issued under this chapter shall be in accordance  
18 with the provisions of chapter 52, title 67, Idaho Code.

19 (2) When the director determines to suspend such license, the affected  
20 licensee may petition the director, prior to the effective date of the sus-  
21 pension, requesting that a monetary payment be allowed in lieu of the license  
22 suspension. If the director determines such payment to be consistent with  
23 the purpose of the laws of the state of Idaho and is in the public interest, he  
24 shall establish a monetary payment in an amount not to exceed five thousand  
25 dollars (\$5,000). The licensee may reject the payment amount determined by  
26 the director, and instead be subject to the suspension provisions of subsec-  
27 tion (1) of this section. Upon payment of the amount established, the direc-  
28 tor shall cancel the suspension period. The director shall cause any payment  
29 to be paid to the treasurer of the state of Idaho for disposition consistent  
30 with section 23-923, Idaho Code.

31 (3) The director may adopt guidelines and rules, which shall be avail-  
32 able to licensees and members of the public, stating the minimum and maxi-  
33 mum periods of suspensions or minimum and maximum amounts of monetary pay-  
34 ments the division will consider in lieu of the imposition of suspensions for  
35 particular violations of the provisions of this title. Guidelines and rules  
36 adopted by the division shall not prevent, or be construed to prohibit, the  
37 director from imposing a greater or lesser period of suspension, or imposing  
38 a greater or lesser monetary payment, within the limits established by this  
39 section, based upon aggravated or extenuating circumstances found to exist  
40 by the director.

41 (4) The suspension of a license for the sale of beer or wine shall auto-  
42 matically result in the suspension of any state or municipal license for the  
43 sale of liquor held by the same licensee and issued for the same premises.  
44 Such additional suspension shall be equal in length to and run concurrently  
45 with the period of the original suspension.

46 (5) When a proceeding to revoke or suspend a state liquor license has  
47 been or is about to be instituted, during the time when renewal of such state  
48 liquor license is pending before the director, the director shall renew the  
49 state liquor license notwithstanding the pending proceedings, but such re-

1 newed state liquor license may be revoked or suspended without hearing if and  
2 when the previous state liquor license is, for any reason, revoked or sus-  
3 pended.

4 SECTION 29. That Chapter 9, Title 23, Idaho Code, be, and the same is  
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
6 ignated as Section 23-921A, Idaho Code, and to read as follows:

7 23-921A. LICENSES -- SUSPENSION OR REVOCATION FOR VIOLATION OF OB-  
8 SCENITY LAWS. In the event of a conviction for a violation of chapter 41,  
9 title 18, Idaho Code, relating to obscenity, by any:

10 (1) Licensee;

11 (2) Agent of licensee; or

12 (3) Employee of licensee if such licensee knew or should have known in  
13 the exercise of reasonable diligence that said employee was violating the  
14 provisions of chapter 41, title 18, Idaho Code.

15 If the violation committed by any of the above occurred on, or in connection  
16 with, premises licensed under this act by such licensee, the director shall  
17 suspend the license of such licensee for a period of six (6) months. If such  
18 licensee, or his agent or employee, has previously been convicted of a viola-  
19 tion of chapter 41, title 18, Idaho Code, relating to obscenity, which viola-  
20 tion occurred on, or in connection with, the premises licensed under this act  
21 by such licensee, the director shall revoke the license of such licensee.

22 SECTION 30. That Chapter 9, Title 23, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
24 ignated as Section 23-922, Idaho Code, and to read as follows:

25 23-922. SELLING LIQUOR WITHOUT LICENSE -- PENALTY. Any person who  
26 sells or keeps for sale any liquor without a license as provided in this act  
27 shall be guilty of a felony and upon conviction thereof shall be fined not  
28 less than one thousand dollars (\$1,000) nor more than five thousand dollars  
29 (\$5,000), or be imprisoned in the state prison for not less than one (1) year  
30 nor more than five (5) years, or both such fine and imprisonment.

31 SECTION 31. That Chapter 9, Title 23, Idaho Code, be, and the same is  
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
33 ignated as Section 23-923, Idaho Code, and to read as follows:

34 23-923. LICENSEES MUST PURCHASE FROM STATE LIQUOR DIVISION --  
35 PRICE. All liquor, excluding wine and beer, sold by any licensee shall be  
36 purchased from the state liquor division through its regular retail stores  
37 and distributors at the posted price thereof, except as provided in section  
38 23-917, Idaho Code. The state liquor division is hereby authorized and di-  
39 rected to make such sales in accordance with section 23-309, Idaho Code, to  
40 be paid at the time of purchase upon a special permit issued to such licensee  
41 in such form as shall be prescribed by the state liquor division. The "posted  
42 price" as used in this section means the retail price of such liquor as fixed  
43 and determined by the state liquor division.

1 SECTION 32. That Chapter 9, Title 23, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 23-924, Idaho Code, and to read as follows:

4 23-924. OFFICERS MAY EXAMINE PREMISES. (1) The director or his duly  
5 authorized representative, the sheriff of any county, or other police offi-  
6 cer, shall have the right at any time to make an examination of the premises  
7 of any licensee as to whether the laws of the state of Idaho, the rules and  
8 regulations of the director, and the ordinances of any county or city are be-  
9 ing complied with, and shall also have the right to inspect the cars of any  
10 railroad system licensed under this act.

11 (2) Minors may assist with random, unannounced inspections with the  
12 written consent of a parent or legal guardian. When assisting with these in-  
13 spections, minors shall not provide false identification, nor make any false  
14 statements regarding their age.

15 SECTION 33. That Chapter 9, Title 23, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
17 ignated as Section 23-925, Idaho Code, and to read as follows:

18 23-925. OFFICERS MAY SEIZE ILLEGAL LIQUOR. (1) It shall be unlawful  
19 for any licensee to sell, or keep for sale, or have on his premises for any  
20 purpose whatsoever, any liquor except liquor produced on the premises by  
21 a licensed distiller or purchased as authorized and provided in this sec-  
22 tion, and any licensee found in possession of, selling or keeping for sale  
23 any liquor not purchased as authorized in this section shall be guilty of a  
24 felony and upon conviction thereof shall be fined not less than one thousand  
25 dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by impris-  
26 onment in the state prison for not more than five (5) years, or by both such  
27 fine and imprisonment. Any license issued to such person shall be immedi-  
28 ately and permanently revoked. The amount of liquor to be sold to licensees  
29 pursuant to this section in any city or village shall be determined by the  
30 administrator or other executive officer of the state liquor division, but  
31 such sales shall be regulated so as to maintain adequate stocks of merchan-  
32 dise for sale to persons other than said licensees.

33 (2) The director, or any of his agents, any sheriff, or other police of-  
34 ficer who shall find any liquor kept or held by any person in violation of  
35 the provisions of this act may forthwith seize and remove the same and keep  
36 the same as evidence and, upon conviction of the person for violation of the  
37 provisions of this section, the said liquor, and all packages or receptacles  
38 containing the same, shall be forfeited to the state of Idaho and, in addi-  
39 tion, the person so violating this act shall be subject to the other penal-  
40 ties prescribed in this section.

41 (3) The provisions of this section notwithstanding, common carriers  
42 shall have the right to have in their possession liquors other than those  
43 purchased from the Idaho state liquor division.

44 SECTION 34. That Sections 23-926, 23-927 and 23-928, Idaho Code, be,  
45 and the same are hereby repealed.



1 SECTION 35. That Chapter 9, Title 23, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 23-926, Idaho Code, and to read as follows:

4 23-926. POSTING SIGNS AS TO RESTRICTION. Every licensee referred to in  
5 this title shall keep a sign conspicuously posted over or near each entrance  
6 to any place from which persons less than twenty-one (21) years of age are re-  
7 stricted pursuant to this section giving public notice of such fact. Such  
8 sign shall contain the following words in lettering of at least one (1) inch  
9 in height: "Admittance of persons under twenty-one (21) years of age prohib-  
10 ited by law."

11 SECTION 36. That Chapter 9, Title 23, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 23-927, Idaho Code, and to read as follows:

14 23-927. SALE AWAY FROM LICENSED PREMISES PROHIBITED -- GAMING PROHIB-  
15 ITED. (1) It shall be unlawful for any licensee to sell, give away, dispense,  
16 vend or deliver any liquor in any fashion or by means or device, except upon  
17 the licensed premises, unless permitted pursuant to section 23-928, Idaho  
18 Code, or expressed written permission granted by the director for state  
19 liquor licenses or the county or city for municipal licenses in response to  
20 damage or destruction that causes the closure of the premises.

21 (2) It shall be unlawful for any licensee granted a license under the  
22 authority of this title to permit, conduct, play, carry on, open or cause to  
23 be opened any gaming in or on the licensed premises or in or on any premises  
24 directly connected by a door, hallway or other means of access from the li-  
25 censed premises. Any licensee authorized under the authority of this title  
26 and who is also authorized by other Idaho law to conduct the lawful activ-  
27 ities of lottery, bingo, raffles and pari-mutuel betting on the licensed  
28 premises shall be exempt from the provisions of this subsection as long as  
29 the lawful activities are conducted in conformity with statute and rules  
30 promulgated pursuant thereto.

31 SECTION 37. That Chapter 9, Title 23, Idaho Code, be, and the same is  
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
33 ignated as Section 23-928, Idaho Code, and to read as follows:

34 23-928. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. An alcohol  
35 beverage catering permit is a permit issued pursuant to this section which  
36 authorizes the permittee to serve and sell liquor by the drink, beer and  
37 wine, or beer or wine, at a party or convention, for a period of time not  
38 to exceed three (3) consecutive days. An alcohol beverage catering permit  
39 shall be limited to authorization to sell liquor or beer or wine, or any  
40 combination thereof, based upon the type of license that the applicant pos-  
41 sesses. Applications for such permit shall be made to the city within which  
42 the liquor, beer or wine is to be served, or if not within a city, then to the  
43 county, on such form as prescribed by the city or county that shall contain at  
44 a minimum, but not limited to, the following information:

45 (1) The name and address of the applicant and the number of his liquor,  
46 beer or wine license;

1 (2) The dates and hours during which the permit is to be effective, not  
2 to exceed three (3) consecutive days;

3 (3) The names of the organizations, groups or persons sponsoring the  
4 event; and

5 (4) The address at which the liquor, beer or wine is to be served and,  
6 if a public building, the rooms in which the liquor, beer or wine is to be  
7 served.

8 The application shall be verified by the applicant and filed with the  
9 appropriate governing body or its designee. A filing fee in the amount of  
10 thirty dollars (\$30.00) for each day the permit is to be effective shall be  
11 paid to the treasury of the governing body, which fee shall not be refunded in  
12 any event. Any alcohol beverage catering permit shall be valid only within  
13 the issuing jurisdiction.

14 SECTION 38. That Chapter 9, Title 23, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 23-929, Idaho Code, and to read as follows:

17 23-929. FILING OF APPLICATION -- APPROVAL. Upon the filing of an ap-  
18 plication for an alcohol beverage catering permit, the city council or its  
19 designee, or board of county commissioners receiving the application shall,  
20 upon the advice and recommendation of the chief of police or sheriff, approve  
21 or disapprove the application and indicate the determination on the face of  
22 the application by endorsement signed by the clerk of the city or county.  
23 Copies of the application with signed endorsements thereon shall be mailed  
24 or delivered immediately to the chief of police or sheriff and the applicant,  
25 and a signed copy shall be retained by the clerk. An application approved in  
26 this manner shall constitute an alcohol beverage catering permit.

27 SECTION 39. That Sections 23-930, 23-931, 23-932, 23-933, 23-933A,  
28 23-933B, 23-934, 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938,  
29 23-939, 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947,  
30 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956 and  
31 23-957, Idaho Code, be, and the same are hereby repealed.

32 SECTION 40. That Chapter 9, Title 23, Idaho Code, be, and the same is  
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
34 ignated as Section 23-930, Idaho Code, and to read as follows:

35 23-930. REGULATORY AND PENALTY PROVISIONS APPLICABLE. All of the reg-  
36 ulatory and penal provisions of this title shall apply to the exercise of  
37 alcohol beverage catering permits, including the penalties for violations  
38 thereof, except such provisions declared to be inapplicable to alcohol bev-  
39 erage catering permits by rule; provided however, neither the director nor  
40 any county or city shall have the power to declare inapplicable any of the  
41 provisions of section 23-932, Idaho Code.

42 SECTION 41. That Chapter 9, Title 23, Idaho Code, be, and the same is  
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
44 ignated as Section 23-931, Idaho Code, and to read as follows:

1           23-931. DESTRUCTION OF STAMPS -- SANITARY REQUIREMENTS. It shall be  
2 the duty of any licensee hereunder immediately, upon emptying any liquor  
3 container, to deface, so that the same may not again be used, all government  
4 or state stamps or labels. Any licensed premises shall be maintained in  
5 sanitary condition according to the requirements of the Idaho Code and any  
6 city or county ordinance pertaining thereto, and any such person who fails to  
7 perform the duty provided in this section shall be guilty of a misdemeanor.

8           SECTION 42. That Chapter 9, Title 23, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 23-932, Idaho Code, and to read as follows:

11           23-932. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered  
12 for sale, or given away upon any licensed premises or under a permit, and all  
13 liquor not in sealed bottles must be locked in a separate room or cabinet dur-  
14 ing the following hours:

15           (a) Sunday, Memorial Day, Thanksgiving and Christmas from 1:00 a.m. to  
16 10:00 a.m. the following day; provided however, that on any Sunday not  
17 otherwise being a prescribed holiday, it shall be lawful for a licensee  
18 having banquet area or meeting room facilities, separate and apart from  
19 the usual dispensing area (barroom) and separate and apart from a normal  
20 public dining room unless such dining room is closed to the public, to  
21 therein dispense liquor between the hours of 2:00 p.m. and 11:00 p.m.  
22 to bona fide participants of banquets, receptions or conventions for  
23 consumption only within the confines of such banquet area or meeting  
24 room facility;

25           (b) On any other day between 1:00 a.m. and 10:00 a.m.; or

26           (c) When any city or county has any ordinance further limiting the hours  
27 of sale of liquor by the drink, then such hours shall be fixed by such  
28 ordinance.

29           (2) A county or city may, however, by ordinance, allow the sale of  
30 liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also  
31 extend until 2:00 a.m. the hours of the sale of liquor by the drink.

32           (3) Any patron present on the licensed premises after the sale of liquor  
33 has stopped as provided in subsections (1) and (2) of this section shall have  
34 a reasonable time, not to exceed thirty (30) minutes, to consume any bever-  
35 ages already served.

36           (4) Any person who consumes or intentionally permits the consumption of  
37 any alcoholic beverage upon licensed premises after the time provided for in  
38 subsection (3) of this section shall be guilty of a misdemeanor.

39           (5) It shall be the duty of every person who is employed at or on a li-  
40 censed premises or who owns or manages a licensed premises and is present on  
41 the licensed premises, during the hours and at the time set forth in subsec-  
42 tions (1) and (2) of this section, to lock up and keep locked up in a locked  
43 room or locked cabinet all unsealed containers of liquor during the hours and  
44 at the times set forth in subsections (1) and (2) of this section, and any  
45 such person who fails to perform the duty provided in this section shall be  
46 guilty of a misdemeanor.

1 SECTION 43. That Chapter 9, Title 23, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 23-933, Idaho Code, and to read as follows:

4 23-933. DUTY OF PUBLIC OFFICERS. It is hereby made the duty of the di-  
5 rector, prosecuting attorneys, sheriffs and peace officers of the counties  
6 or incorporated cities, knowing of any violation of this act, to make com-  
7 plaint before the proper tribunal and perform the duties of their offices  
8 with respect to the prosecution and conviction of such offenders. Any such  
9 officer knowingly refusing to inform against or prosecute any offender under  
10 the provisions of this act shall be subject to action against him as provided  
11 in chapter 41, title 19, Idaho Code.

12 SECTION 44. That Sections 23-1020 and 23-1022, Idaho Code, be, and the  
13 same are hereby repealed.

14 SECTION 45. That Title 23, Idaho Code, be, and the same is hereby  
15 amended by the addition thereto of a NEW CHAPTER, to be known and designated  
16 as Chapter 12, Title 23, Idaho Code, and to read as follows:

17 CHAPTER 12  
18 CLERK AND SERVER TRAINING

19 23-1201. DEFINITIONS. The following words and phrases used in this  
20 chapter shall be given the following interpretation:

21 (1) "Alcoholic beverage" or "alcohol beverage" means any beverage con-  
22 taining alcohol which is a product of distillation of any fermented liquor or  
23 synthetic ethyl alcohol, including, but not limited to, beer, wine, spirits  
24 or any liquid containing beer, wine or spirits.

25 (2) "Approved alcohol training program" means a program that is de-  
26 signed to educate clerks or servers of alcohol on laws and rules regarding  
27 the sale and service of alcoholic beverages, the effects of alcohol on the  
28 human body, methods of identifying intoxicated persons and refusing to sell  
29 or serve alcohol to those persons, and methods for checking and identifying  
30 legal identification, and is either approved by the director or listed in  
31 section 23-1202, Idaho Code.

32 (3) "Clerk" means an individual who, as an employee of a grocery store,  
33 convenience store, or general retail outlet, can legally sell alcoholic bev-  
34 erages for consumption off-premises.

35 (4) "Director" means the director of the Idaho state police.

36 (5) "Licensee" means the person to whom a beer, wine or municipal or  
37 state liquor by the drink license is issued under the provisions of law.

38 (6) "Off-premises retailer" means any place alcoholic beverages are  
39 sold but cannot be consumed on the premises. Off-premises retailers in-  
40 clude, but are not limited to, grocery stores, convenience stores and  
41 general retail outlets.

42 (7) "Premises" means the building and contiguous property owned,  
43 leased or used by a licensee as part of the business establishment for the  
44 sale of alcoholic beverages at retail.

45 (8) "Server" means any person serving or selling any alcoholic bever-  
46 ages, including spirits, wine or beer for consumption on a licensed premises

1 as a requirement of employment, and any person managing those employees.  
2 Servers include, but are not limited to, waiters, waitresses, bartenders,  
3 and managers of waiters, waitresses and bartenders.

4 23-1202. APPROVED TRAINING. (1) Only the alcohol training programs  
5 listed in this section or equivalent programs as approved by the director  
6 will be recognized as complying with the provisions of this chapter.

7 (2) Approved alcohol training programs must include an examination  
8 covering the following topics: monitoring a patron's behavior, recogniz-  
9 ing intoxicated patrons, checking identification, recognizing false and  
10 altered identification, providing alternatives to alcoholic beverages,  
11 problem-solving in dealing with intoxicated or belligerent patrons and fa-  
12 miliarity with Idaho laws and rules pertaining to alcoholic beverages.

13 (3) "ServSafe alcohol" programs of the national restaurant association  
14 are found to comply with the requirements of this chapter.

15 (4) "Training for intervention procedures" (TIPS) programs of health  
16 communications, inc. are found to comply with the requirements of this chap-  
17 ter.

18 23-1203. MANDATORY TRAINING -- ON-PREMISES SALES. (1) Any person em-  
19 ployed as a server on the effective date of this chapter must complete an ap-  
20 proved alcohol training program within one hundred twenty (120) days of the  
21 effective date of this chapter or be able to provide proof that they have re-  
22 ceived a current valid certificate from an approved training program within  
23 the past three (3) years.

24 (2) Any person who is hired after the effective date of this chapter as a  
25 server shall complete an approved alcohol training program within sixty (60)  
26 days.

27 (3) The licensee shall ensure that each server employed on the premises  
28 is trained or completes an approved alcohol training program in the appro-  
29 priate time frame pursuant to this section and maintains documentation of  
30 such training, and provides such documentation at the request of the direc-  
31 tor.

32 23-1204. VOLUNTARY TRAINING -- OFF-PREMISES RETAILER. (1) Any per-  
33 son employed as a clerk on or after the effective date of this act for  
34 off-premises sales pursuant to the provisions of this title is encouraged to  
35 complete an approved alcohol training program outlined in section 23-1202,  
36 Idaho Code.

37 (2) The clerk shall maintain documentation of such training, and pro-  
38 vide such documentation at the request of the director.

39 23-1205. ENFORCEMENT. (1) Any server who violates section 23-1203  
40 Idaho Code, shall be subject to an administrative fine imposed by the direc-  
41 tor not to exceed five hundred dollars (\$500) plus costs of prosecution and  
42 administrative costs of bringing the action including, but not limited to,  
43 attorney's costs and fees and costs of hearing transcripts.

44 (2) Any licensee who violates section 23-1203(3), Idaho Code, shall  
45 be subject to an administrative fine imposed by the director not to exceed  
46 one thousand dollars (\$1,000) plus costs of prosecution and administrative

1 costs of bringing the action including, but not limited to, attorney's costs  
2 and fees and costs of hearing transcripts.

3 (3) Nothing in this section shall be construed as barring criminal  
4 prosecutions for violations of this title where such violations are deemed  
5 criminal offenses.

6 (4) All final decisions by the director shall be subject to judicial re-  
7 view pursuant to the procedures of the administrative procedure act.

8 SECTION 46. That Chapter 13, Title 23, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 23-1304A, Idaho Code, and to read as follows:

11 23-1304A. CERTIFICATION OF ELECTION RESULTS OR COUNTY RESOLUTION TO  
12 DIRECTOR. (1) In the event that the board of county commissioners has, by  
13 resolution pursuant to section 23-1304, Idaho Code, provided that the re-  
14 tail sale of table wine or dessert wine shall be permitted within the county,  
15 certification of such resolution shall be made to the director, in addition  
16 to the certification to the director, and a retail wine license shall there-  
17 after be issued for premises within such county as long as such resolution  
18 remains in effect.

19 (2) In the event an election is held pursuant to section 23-1304, Idaho  
20 Code, upon a canvass of the votes cast, the county recorder shall certify,  
21 in addition to the certification to the director, the result thereof to the  
22 director.

23 (3) The last resolution adopted prior to the effective date of this  
24 act pursuant to section 23-1304(a), Idaho Code, which has not been revoked,  
25 shall continue to have the effect resulting from said resolution, unless  
26 subsequently amended or revoked. The results of the last election held  
27 pursuant to section 23-1304(b), Idaho Code, or on the written petition of  
28 registered electors pursuant thereto, prior to the effective date of this  
29 act, shall have the effect resulting from the canvass of votes at said elec-  
30 tion, unless or until an election or subsequent resolution changes such  
31 result subsequent to the effective date of this act.

32 SECTION 47. That Section 23-1331, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND  
35 PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse  
36 to renew a retail wine license, wine by the drink license, wine distributor's  
37 license, wine importer's license, winery license, wine direct shipper's  
38 permit or vintner's license issued pursuant to the terms of this chapter for  
39 any violation of or failure to comply with the provisions of this chapter or  
40 rules and regulations promulgated by the director or the state tax commis-  
41 sion pursuant to the terms and conditions of this chapter. Manufacturing  
42 or bottling functions of a winery shall not be subject to suspension, re-  
43 vocation or nonrenewal of a license, except for violations of law directly  
44 related to the manufacturing or bottling activities of the winery. Proce-  
45 dures for the suspension, revocation or refusal to grant or renew licenses  
46 issued under this chapter shall be in accordance with the provisions of chap-  
47 ter 52, title 67, Idaho Code.

1 (2) When the director determines to suspend such license, the affected  
2 licensee may petition the director prior to the effective date of the sus-  
3 pension requesting that a monetary payment be allowed in lieu of the license  
4 suspension. If the director determines such payment to be consistent with  
5 the purpose of the laws of the state of Idaho and is in the public interest, he  
6 shall establish a monetary payment in an amount not to exceed five thousand  
7 dollars (\$5,000). The licensee may reject the payment amount determined by  
8 the director, and instead be subject to the suspension provisions of subsec-  
9 tion (1) of this section. Upon payment of the amount established, the direc-  
10 tor shall cancel the suspension period. The director shall cause any payment  
11 to be paid to the treasurer of the state of Idaho for credit to the state's  
12 general account in the state operating fund.

13 (3) The suspension of a license for the sale of liquor or beer shall au-  
14 tomatically result in the suspension of any license for the sale of wine held  
15 by the same licensee and issued for the same premises or location. Such ad-  
16 ditional suspension shall be equal in length to and run concurrently with the  
17 period of the original suspension.

18 (4) The director shall adopt and utilize guidelines and rules, which  
19 shall be available to licensees and members of the public, stating general  
20 policies of the division concerning minimum and maximum periods of suspen-  
21 sions or minimum and maximum amounts for monetary payments that the division  
22 will consider in lieu of the imposition of suspensions for particular viola-  
23 tions of the provisions of this title. Guidelines and rules adopted by the  
24 division, as provided in this section, shall not prevent or be construed to  
25 prohibit the director from imposing a greater or lesser period of suspen-  
26 sion, or imposing a greater or lesser monetary payment, within the limits  
27 established by this section, based upon aggravated or extenuating circum-  
28 stances found to exist by the director.

29 (5) When a proceeding to revoke or suspend a license has been or is about  
30 to be instituted, during the time a renewal application of such license is  
31 pending before the director, the director shall renew the license notwith-  
32 standing the pending proceedings, but such renewed license may be revoked or  
33 suspended without hearing if and when the previous license is, for any rea-  
34 son, revoked or suspended.

35 SECTION 48. That Section [23-1335](#), Idaho Code, be, and the same is hereby  
36 repealed.

37 SECTION 49. That Section 18-7803, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 18-7803. DEFINITIONS. As used in this chapter, (a) "Racketeering"  
40 means any act which is chargeable or indictable under the following sections  
41 of the Idaho Code or which are equivalent acts chargeable or indictable as  
42 equivalent crimes under the laws of any other jurisdiction:

43 (1) Homicide (section 18-4001, Idaho Code);

44 (2) Robbery, burglary, theft, forgery, counterfeiting, and related  
45 crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124,  
46 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607,  
47 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho  
48 Code);

- 1 (3) Kidnapping (section 18-4501, Idaho Code);  
 2 (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604,  
 3 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);  
 4 (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho  
 5 Code);  
 6 (6) Assault (sections 18-908 and 18-4015, Idaho Code);  
 7 (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809,  
 8 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);  
 9 (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103,  
 10 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);  
 11 (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);  
 12 (10) Fraudulent practices, false pretenses, insurance fraud, finan-  
 13 cial transaction card crimes and fraud generally (sections 18-2403,  
 14 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-6713, 41-293,  
 15 41-294 and 41-1306, Idaho Code);  
 16 (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703,  
 17 23-905~~10~~, 23-922, 23-914~~23~~, and 23-928~~7~~, ~~23-934~~ and ~~23-938~~, Idaho  
 18 Code);  
 19 (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);  
 20 (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404,  
 21 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);  
 22 (14) Horseracing (section 54-2512, Idaho Code);  
 23 (15) Interest and usurious practices (sections 28-45-401 and 28-45-  
 24 402, Idaho Code);  
 25 (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904,  
 26 18-1905, 18-1906 and 30-1510, Idaho Code);  
 27 (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);  
 28 (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho  
 29 Code);  
 30 (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f),  
 31 37-2732B, 37-2734 and 37-2734B, Idaho Code);  
 32 (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho  
 33 Code);  
 34 (21) Terrorism (section 18-8103, Idaho Code).  
 35 (b) "Person" means any individual or entity capable of holding a legal  
 36 or beneficial interest in property;  
 37 (c) "Enterprise" means any sole proprietorship, partnership, corpora-  
 38 tion, business, labor union, association or other legal entity or any group  
 39 of individuals associated in fact although not a legal entity, and includes  
 40 illicit as well as licit entities; and  
 41 (d) "Pattern of racketeering activity" means engaging in at least two  
 42 (2) incidents of racketeering conduct that have the same or similar in-  
 43 tents, results, accomplices, victims or methods of commission, or otherwise  
 44 are interrelated by distinguishing characteristics and are not isolated  
 45 incidents, provided at least one (1) of such incidents occurred after the ef-  
 46 fective date of this act and that the last of such incidents occurred within  
 47 five (5) years after a prior incident of racketeering conduct.

48 SECTION 50. That Section 23-1312, Idaho Code, be, and the same is hereby  
 49 amended to read as follows:



1           23-1312. BY THE DRINK LIQUOR RETAILERS MAY PURCHASE FROM DISTRIBUTU-  
 2 TORS. Any law to the contrary notwithstanding, including but not limited to  
 3 section 23-91423, Idaho Code, the holder of a license for the retail sale of  
 4 liquor by the drink as defined in chapter 9, title 23, Idaho Code, is hereby  
 5 authorized to purchase wine from persons holding valid wine distributor's  
 6 licenses.

7           SECTION 51. That Section 23-1406, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9           23-1406. STORAGE AND RESTOCKING. (1) All alcoholic beverages, which  
 10 are used to restock and replenish a facility's hospitality cabinets, shall  
 11 be kept locked in a separate, secure room or cabinet, except when the hospi-  
 12 tality cabinets are being restocked and replenished.

13           (2) The hospitality cabinets can be restocked and replenished with al-  
 14 coholic beverages only during those hours when liquor can be sold as provided  
 15 in section 23-92732, Idaho Code.

16           SECTION 52. That Section 39-5502, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18           39-5502. DEFINITIONS. As used in this chapter:

19           (1) "Auditorium" means a public building where an audience sits and any  
 20 corridors, hallways or lobbies adjacent thereto.

21           (2) "Bar" means any indoor area open to the public operated primarily  
 22 for the sale and service of alcoholic beverages for on-premises consumption  
 23 and where: (a) the service of food is incidental to the consumption of such  
 24 beverages, or (b) no person under the age of twenty-one (21) years is per-  
 25 mitted except as provided in section 23-943604, Idaho Code, as it pertains  
 26 to employees, musicians and singers, and all public entrances are clearly  
 27 posted with signs warning patrons that it is a smoking facility and that per-  
 28 sons under twenty-one (21) years of age are not permitted. "Bar" does not in-  
 29 clude any area within a restaurant.

30           (3) "Employer" means any person, partnership, limited liability com-  
 31 pany, association, corporation or nonprofit entity that employs one (1) or  
 32 more persons, including the legislative, executive and judicial branches of  
 33 state government; any county, city, or any other political subdivision of  
 34 the state; or any other separate unit of state or local government.

35           (4) "Indoor shopping mall" means an indoor facility located at least  
 36 fifty (50) feet from any public street or highway and housing no less than ten  
 37 (10) retail establishments.

38           (5) "Public meeting" means all meetings open to the public.

39           (6) "Public place" means any enclosed indoor place of business, com-  
 40 merce, banking, financial service or other service-related activity,  
 41 whether publicly or privately owned and whether operated for profit or not,  
 42 to which persons not employed at the public place have general and regular  
 43 access or which the public uses including:

44           (a) Buildings, offices, shops or restrooms;

45           (b) Waiting rooms for means of transportation or common carriers;

46           (c) Restaurants;

47           (d) Theaters, auditoriums, museums or art galleries;

1 (e) Hospitals, libraries, indoor shopping malls, indoor sports arenas,  
2 concert halls, or airport passenger terminals, and within twenty (20)  
3 feet of public entrances and exits to such facilities;

4 (f) Public or private elementary or secondary school buildings and ed-  
5 ucational facilities and within twenty (20) feet of entrances and exits  
6 of such buildings or facilities;

7 (g) Retail stores, grocery stores or arcades;

8 (h) Barbershops, hair salons or laundromats;

9 (i) Sports or fitness facilities;

10 (j) Common areas of nursing homes, resorts, hotels, motels, bed and  
11 breakfast lodging facilities and other similar lodging facilities, in-  
12 cluding lobbies, hallways, restaurants and other designated dining ar-  
13 eas and restrooms of any of these;

14 (k) Any child care facility subject to licensure under the laws of  
15 Idaho, including those operated in private homes, when any child cared  
16 for under that license is present;

17 (l) Public means of mass transportation including vans, trains, taxi-  
18 cabs and limousines when passengers are present; and

19 (m) Any public place not exempted by section 39-5503, Idaho Code.

20 (7) "Publicly-owned building or office" means any enclosed indoor  
21 place or portion of a place owned, leased or rented by any state, county or  
22 municipal government, or by any agency supported by appropriation of, or  
23 by contracts or grants from, funds derived from the collection of federal,  
24 state, municipal or county taxes.

25 (8) "Restaurant" means an eating establishment including, but not  
26 limited to, coffee shops, cafes, cafeterias, and private and public school  
27 cafeterias, which gives or offers for sale food to the public, guests, or  
28 employees, as well as kitchens and catering facilities in which food is pre-  
29 pared on the premises for serving elsewhere. The term "restaurant" shall  
30 include a bar area within a restaurant.

31 (9) "Smoking" includes the possession of any lighted tobacco product in  
32 any form.

33 (10) "Smoking area" means a designated area in which smoking is permit-  
34 ted.

35 SECTION 53. That Section 49-307, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-  
38 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE  
39 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D  
40 driver's training course shall be allowed to attend classes or participate  
41 in driving instruction unless he has obtained a class D driver's training in-  
42 struction permit, or a class D instruction permit as provided in subsection  
43 (4) of this section.

44 (2) Every enrollee of a class D driver's training course shall pay a  
45 nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each  
46 fee so imposed shall be deposited in the state highway account, five dollars  
47 (\$5.00) shall be deposited in the county current expense fund, and five dol-  
48 lars (\$5.00) shall be:

1 (a) Deposited in the driver training account if the person is taking  
2 driver's training from a public school; or

3 (b) Paid to the bureau of occupational licenses and deposited in the  
4 state treasury to the credit of the occupational licenses ~~fund~~ account  
5 if the person is taking driver's training from a private driver's train-  
6 ing program. The amount to be remitted to the bureau of occupational  
7 licenses shall be annually calculated and paid. To calculate such  
8 amount, the total number of public driver's training students as sub-  
9 mitted to the state department of education shall be subtracted from the  
10 total number of permits sold as reported by the Idaho transportation de-  
11 partment, and the resulting number shall be multiplied by five dollars  
12 (\$5.00).

13 (3) Each enrollee of a class D driver's training course shall provide  
14 the type of information required for a driver's license or instruction per-  
15 mit. If an enrollee of a class D driver's training course cannot provide a  
16 certified copy of his birth certificate at the time of application for a per-  
17 mit, the department may issue a class D driver's training instruction permit  
18 or a class D instruction permit upon receipt of identification acceptable  
19 to the department. The certified copy of an applicant's birth certificate  
20 shall be required before a class D driver's license will be issued.

21 (4) The class D driver's training instruction permit shall expire five  
22 (5) days after the permittee's eighteenth birthday for permittees fourteen  
23 and one-half (14 1/2) years of age through seventeen and one-half (17 1/2)  
24 years of age. The class D driver's training instruction permit shall ex-  
25 pire one hundred eighty (180) days from the date of issue for persons sev-  
26 enteen and one-half (17 1/2) years of age or older. Persons aged seventeen  
27 (17) years or older may attend classes or participate in driver's training  
28 instruction while operating with a class D instruction permit or a class D  
29 driver's training instruction permit.

30 (5) The class D driver's training instruction permit shall be issued to  
31 the instructor of the course.

32 (6) Class D supervised instruction permit.

33 (a) Upon successful completion of the class D driver's training course,  
34 the driver's training instructor shall submit the student log to the  
35 county driver's license office and give the class D driver's training  
36 instruction permit to the parent or legal guardian of the permittee, and  
37 the parent or legal guardian shall assume responsibility for ensuring  
38 that the permittee complies with the requirements of operating a vehi-  
39 cle with a class D supervised instruction permit. The class D driver's  
40 training instruction permit shall then serve as a class D supervised  
41 instruction permit.

42 (b) In the event the permittee reaches the age of seventeen (17) years  
43 while operating a class D vehicle with a class D supervised instruction  
44 permit, the supervised instruction permit shall become a class D in-  
45 struction permit.

46 (7) No permittee may apply for a class D driver's license sooner than  
47 fifteen (15) years of age and no sooner than six (6) months after completing a  
48 class D driver's training course, during which time the permittee shall sat-  
49 isfy all requirements for operation of a class D vehicle with a class D super-  
50 vised instruction permit as follows:

1 (a) The permittee shall not operate a vehicle unless he is accompanied  
2 by a driver who holds a valid driver's license, is twenty-one (21) years  
3 of age or older, and who is actually occupying a seat beside the permit-  
4 tee driver. The supervising driver and the permittee shall be the only  
5 occupants of the front passenger section of the vehicle.

6 (b) Over a period of time not less than six (6) months, the permittee  
7 shall accumulate at least fifty (50) hours of supervised driving time,  
8 ten (10) hours of which shall be during hours of darkness.

9 (c) The permit shall be in the permittee's immediate possession at all  
10 times while operating a vehicle.

11 (d) In addition to the permittee driver and the supervising driver, all  
12 other occupants of the vehicle shall wear a seat belt or be restrained by  
13 child passenger restraints as required by law.

14 (e) The permittee is subject to the provisions of sections 18-1502 and  
15 18-8004, Idaho Code, relating to violation of age restrictions on con-  
16 sumption of beer, wine, and alcohol and driving under the influence of  
17 alcohol, drugs or any other intoxicating substances, respectively.

18 (f) The permittee shall not have been convicted of any moving traffic  
19 violation, or have had driving privileges suspended by the department  
20 or the court for any offense, or found to be in violation of any of the  
21 restrictions on the class D supervised instruction permit, for a period  
22 of at least six (6) months from the date the driver's training instruc-  
23 tor gave the permit to the parent or legal guardian, or from the date a  
24 canceled class D supervised instruction permit was reissued, or until  
25 the permittee reaches seventeen (17) years of age.

26 (g) If the permittee is under seventeen (17) years of age and is con-  
27 victed of a violation of any traffic law, or section 18-1502, 18-8004 or  
28 23-949604, Idaho Code, or is found to be in violation of any of the re-  
29 strictions on the class D supervised instruction permit, the department  
30 shall cancel the class D supervised instruction permit, and the cancel-  
31 lation shall not be used to establish rates of motor vehicle insurance  
32 charged by a casualty insurer. If the permittee is under seventeen (17)  
33 years of age, the permittee may reapply for and be issued a new class D  
34 supervised instruction permit upon payment of the appropriate fee, and  
35 shall again be required to operate with the class D supervised instruc-  
36 tion permit for at least six (6) months from the date of reissue with-  
37 out a conviction or suspension, accumulate the required hours of driv-  
38 ing time and adhere to the requirements as specified in paragraphs (a)  
39 through (f) of this subsection.

40 (8) Upon completion of the requirements in subsection (7) of this sec-  
41 tion, the permittee shall take the knowledge test and skills test adminis-  
42 tered by a person certified by the Idaho transportation department to admin-  
43 ister knowledge and skills tests.

44 (9) Upon passage of the knowledge and skills tests, the permittee may  
45 apply for a class D driver's license with driving privileges restricted to  
46 daylight hours for persons under sixteen (16) years of age, and with full  
47 privileges at sixteen (16) years of age or older. Provided however, the re-  
48 striction on daylight hours only driving privileges for persons under six-  
49 teen (16) years of age shall not apply if:

1 (a) The person under sixteen (16) years of age has a valid class D  
2 driver's license; and

3 (b) The person ~~is~~ accompanied by a driver who holds a valid driver's  
4 license and is twenty-one (21) years of age or older and is actually oc-  
5 cupping a seat beside the licensee who is under sixteen (16) years of  
6 age; and

7 (c) The two (2) licensed drivers are the only occupants of the front  
8 passenger section of the vehicle.

9 The restriction of daylight hours only shall mean that period of time one-  
10 half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

11 (10) Upon passage of the knowledge and skills tests, the permittee may  
12 apply for a class D driver's license. Any such licensee who is under the age  
13 of seventeen (17) years shall be required, during the first six (6) months  
14 from the date of issue of the class D driver's license, to limit the number  
15 of passengers in the vehicle who are under the age of seventeen (17) years to  
16 not more than one (1) such passenger. Provided however, the limit of one (1)  
17 passenger under the age of seventeen (17) years shall not apply to passengers  
18 who are related to the driver by blood, adoption or marriage.

19 SECTION 54. That Section 67-7446, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 67-7446. RESTRICTIONS. Notwithstanding the provisions of section  
22 23-92827, Idaho Code, nothing in that section shall be construed to autho-  
23 rize any form of games of chance or private lotteries, except as may be autho-  
24 rized expressly by this chapter in accordance with the Idaho Constitution.

25 SECTION 55. SEVERABILITY. The provisions of this act are hereby de-  
26 clared to be severable and if any provision of this act or the application  
27 of such provision to any person or circumstance is declared invalid for any  
28 reason, such declaration shall not affect the validity of the remaining por-  
29 tions of this act.