

2013 -- H 5291

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LC00142
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representatives Hearn, Slater, DeSimone, O'Brien, and Williams

Date Introduced: February 06, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-16.6 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 **3-7-16.6. Class N nightclub license.** -- (a) Notwithstanding any provision of this title to
4 the contrary, any town or city council, by ordinance, may authorize the licensing authorities
5 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to
6 section 3-5-15 to designate and issue a special class of Class N nightclub licenses within its
7 jurisdiction.

8 (b) A Class N license, when so authorized, shall be required by each establishment
9 within the jurisdiction which:

10 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover
11 charges;

12 (2) Holds a Class B or Class ED license;

13 (3) Has a fire department occupancy permit of no less than two hundred (200) persons
14 and no greater than ten thousand (10,000) persons; or any establishment with a fire department
15 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

16 (c) ~~Any establishment with a Class N license which admits patrons under twenty-one~~
17 ~~(21) years of age on the premises of the establishment when alcoholic beverages are being sold,~~
18 ~~served, or permitted on the premises shall, during the time the patrons are permitted on the~~
19 ~~premises:~~ No person under twenty-one (21) years of age shall be allowed on the premises

1 [licensed under this section.](#)

2 ~~(1) Require one form of identification. The identification shall contain the bearer's~~
3 ~~photograph, and must be one of the following: state driver's license, US military identification,~~
4 ~~state issued identification card, or passport, from every person claiming to be twenty one (21)~~
5 ~~years of age or older;~~

6 ~~(2) Identify patrons over twenty one (21) years of age with both an identifiable hand~~
7 ~~stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before~~
8 ~~purchasing an alcoholic beverage;~~

9 ~~(3) Sell not more than one alcoholic beverage to an eligible patron in a single~~
10 ~~transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a~~
11 ~~bar or drink dispensing location;~~

12 ~~(4) Not permit any patron who leaves the premises to be readmitted prior to closing~~
13 ~~without payment of the same admission or cover charge required of patrons entering the premises~~
14 ~~initially.~~

15 (d) The licensing authority of each town or city shall set the closing time for each
16 establishment holding a Class N nightclub license within its jurisdiction pursuant to section 3-7-
17 7(a)(1) and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment
18 holding a Class N nightclub license which is permitted to remain open until two o'clock (2:00)
19 a.m., shall not admit patrons after one o'clock (1:00) a.m.

20 (e) The licensing authority of each town or city will establish the cost and duration of all
21 Class N nightclub licenses issued by that authority.

22 (f) Notwithstanding the provisions of section 3-5-17, no licensing authority may issue a
23 Class N nightclub license unless the following notice requirements have been met:

24 (1) Any establishment applying for a Class N nightclub license, or the renewal of that
25 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide
26 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six
27 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty
28 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty
29 (30) days prior to hearings related to the license on appeal to the director. If any hearing is
30 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder
31 must post this notice within three (3) business days after its receipt of notification of that hearing
32 from the licensing authority or the director.

33 (2) The notice shall contain the name of the applicant and a description by street and
34 number or other plain designation of the particular location for which the Class N nightclub

1 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing
2 on the Class N nightclub license, and shall provide the time and place of that hearing.

3 (g) Any establishment that holds a Class N nightclub license must:

4 (1) Comply with local ordinances governing noise levels;

5 (2) Cooperate with law enforcement officials;

6 (3) Provide private security for the safety of patrons both inside and outside the
7 establishment, which private security must be certified by TIPS or a similar agency approved by
8 the licensing authority; and

9 (4) Collect trash generated by the establishment every night that the establishment is
10 open in an area surrounding the premises that is reasonable and prudent, given the size of the
11 establishment.

12 (h) The licensing authority of each town or city will develop requirements for police
13 details for the purposes of public safety and traffic control in and around the premise of each
14 establishment holding a Class N nightclub license.

15 ~~(i) (1) The licensing authority which has issued a license under this section may ban the~~
16 ~~admittance of persons under the age of twenty-one (21) on the licensee's premise:~~

17 ~~(i) On certain nights; or~~

18 ~~(ii) At certain times; or~~

19 ~~(iii) At all times.~~

20 ~~(2) Provided however, any ban under this subsection herein shall be supported by a~~
21 ~~finding that:~~

22 ~~(i) The licensee has failed to implement measures designed to prevent underage~~
23 ~~drinking; and~~

24 ~~(ii) The licensee has multiple violations of the provisions of one or more of the following~~
25 ~~sections: 3-8-1, 3-8-4 and/or 3-8-10.~~

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

- 1 This act would prohibit any person under twenty-one (21) years of age from a nightclub
- 2 where alcoholic beverages are served.
- 3 This act would take effect upon passage.

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