

R81. Alcoholic Beverage Control, Administration.

R81-10A. Recreational Amenity On-Premise Beer Retailer Licenses.

R81-10A-1. Definitions.

(1) "Recreational Amenity" is one or more of the following or an activity substantially similar to one of the following:

- (a) a billiard parlor;
- (b) a pool parlor;
- (c) a bowling facility;
- (d) a golf course;
- (e) miniature golf;
- (f) a golf driving range;
- (g) a tennis club;
- (h) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 6,500;
- (i) a concert venue that has a seating capacity equal to or greater than 6,500;
- (j) one of the following if owned by a government agency:
 - (i) a convention center;
 - (ii) a fair facility;
 - (iii) an equestrian park;
 - (iv) a theater; or
 - (v) a concert venue;
- (k) an amusement park:
 - (i) with one or more permanent amusement rides; and
 - (ii) located on at least 50 acres;
- (l) a ski resort;
- (m) a venue for live entertainment if the venue:
 - (i) is not regularly open for more than five hours on any day;
 - (ii) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and
 - (iii) is operated so that no more than 15% of its total annual receipts are from the sale of beer; or
- (n) concessions operated within the boundary of a park administered by the:
 - (i) Division of Parks and Recreation; or
 - (ii) National Parks Service.

R81-10A-2. Licensing.

(1) Recreational amenity on-premise beer retailer licenses are issued to persons as defined in Section 32B-1-102(74). The department must be immediately notified of any action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued to ensure there is no violation of Sections 32B-5-310.

(2) A recreational amenity on-premise beer retailer licensee that wishes to operate the same licensed premises under the operational restrictions of a restaurant liquor license or a limited restaurant license during certain designated periods of the day or night, must apply for and be issued a separate restaurant liquor license or a limited restaurant license subject to the following:

(a) The same recreational amenity on-premise beer retailer licensee must separately apply for a state restaurant liquor license pursuant to the requirements of Sections 32B-5-202, -204 and 32B-6-204, or a limited restaurant license pursuant to the requirements of

Sections 32B-5-201, -204 and 32B-6-304.

(b) Licensees applying for dually licensed premises must notify the department of the time periods under which each license will be operational at the time application is made. Changes must be requested in writing and approved in advance by the department. Licensees may operate sequentially under either license, but not concurrently.

(c) Recreational amenity on-premise beer retailer licensees holding a separate restaurant liquor license must operate in accordance with 32B-5-301 and 32B-6-205 and R81-4A during the hours the restaurant liquor license is active.

(d) Recreational amenity on-premise beer retailer licensees holding a separate limited restaurant license must operate in accordance with 32B-5-301 and 32B-6-305 and R81-4C during the hours the limited restaurant license is active.

(e) Liquor storage areas on the restaurant or limited restaurant premises shall be deemed to remain on the floor plan of the restaurant or limited restaurant premises and shall be kept locked during the hours the recreational amenity on-premise beer retailer license is active.

R81-10A-3. Application.

A license application shall be included in the agenda of the monthly commission meeting for consideration for issuance of a recreational amenity on-premise beer retailer license when the requirements of Sections 32B-1-304, 32B-5-201, -204 and 32B-6-705 have been met, and a completed application has been received by the department and the beer retailer premises have been inspected by the department.

R81-10A-4. Bonds.

No part of any corporate or cash bond required by Section 32B-5-204 and 32B-6-705(4) may be withdrawn during the time the license is in effect. If the recreational amenity on-premise beer licensee fails to maintain a valid corporate or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-10A-5. Insurance.

Public liability and dram shop insurance coverage required in Section 32B-5-201(2)(j) must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-10A-6. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the

employee's full name and address and a driver's license or similar identification number.

KEY: alcoholic beverages

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