

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 647

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ALLOWING A LOCAL OPTION DISTRICT TO APPROVE RESTAURANT
LICENSURE TO SERVE BEER AND WINE BY ORDINANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,
Chapter 39, Section 21, as amended) is amended to read:

"60-6A-4. RESTAURANT LICENSE.--

A. At any time after the effective date of the
Liquor Control Act, a local option district may approve the
issuance of restaurant licenses for the sale of beer and wine
by ~~[holding an election on that question pursuant to the
procedures set out in Section 60-5A-1 NMSA 1978. The election
also may be initiated by a resolution adopted by the governing
body of the local option district without a petition from~~

.214994.1

underscored material = new
[bracketed material] = delete

1 ~~registered qualified electors having been submitted~~ ordinance
2 or resolution.

3 B. After the approval of restaurant licenses by the
4 ~~[registered qualified electors of the]~~ local option district
5 and upon completion of all requirements in the Liquor Control
6 Act for the issuance of licenses, a restaurant located or to be
7 located within the local option district may receive a
8 restaurant license to sell, serve or allow the consumption of
9 beer and wine subject to the following requirements and
10 restrictions:

11 (1) the applicant shall submit evidence to the
12 department that ~~[he]~~ the applicant has a current valid food
13 service establishment permit;

14 (2) the applicant shall satisfy the director
15 that the primary source of revenue from the operation of the
16 restaurant will be derived from meals and not from the sale of
17 beer and wine;

18 (3) the director shall condition renewal upon
19 a requirement that no less than sixty percent of gross receipts
20 from the preceding twelve months' operation of the licensed
21 restaurant was derived from the sale of meals;

22 (4) upon application for renewal, the licensee
23 shall submit an annual report to the director indicating the
24 annual gross receipts from the sale of meals and from beer and
25 wine sales;

1 (5) restaurant licensees shall not sell beer
2 and wine for consumption off the licensed premises;

3 (6) all sales, services and consumption of
4 beer and wine authorized by a restaurant license shall cease at
5 the time meals sales and services cease or at 11:00 p.m.,
6 whichever time is earlier;

7 (7) if Sunday sales have been approved in the
8 local option district, a restaurant licensee may serve beer and
9 wine on Sundays until the time meals sales and services cease
10 or 11:00 p.m., whichever time is earlier; and

11 (8) a restaurant license shall not be
12 transferable from person to person or from one location to
13 another.

14 C. The provisions of Section 60-6A-18 NMSA 1978
15 shall not apply to restaurant licenses.

16 D. Nothing in this section shall prevent a
17 restaurant licensee from receiving other licenses pursuant to
18 the Liquor Control Act."