

1 HB234
2 216597-3
3 By Representatives Rafferty, Hollis, Moore (M), Scott, Rogers,
4 Alexander, South, Whitt, Givan, Coleman and Isbell
5 RFD: Economic Development and Tourism
6 First Read: 02-FEB-22

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ENROLLED, An Act,

Relating to food or beverage trucks; to add Section 28-3A-17.1 to the Code of Alabama 1975; to provide for a food or beverage truck license in Class 1 municipalities that would allow a food or beverage truck to sell alcoholic beverages for consumption in open containers within an area designated by the municipal governing authority within an established entertainment district; and to require the Alcoholic Beverage Control Board to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-3A-17.1 is added to the Code of Alabama 1975, to read as follows:

§28-3A-17.1.

(a) This section applies in Class 1 municipalities only.

(b) As used in this section, food or beverage truck means a fully encased food or beverage service establishment approved by the Department of Public Health, which is housed on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages, or both, for immediate human consumption. The term does not include a food or beverage cart that is not motorized.

1 (c) (1) Upon a food or beverage truck applicant's
2 compliance with this chapter and any rules adopted thereunder,
3 and upon presentation of the certificate described in
4 subdivision ~~(3)~~ (2), the board shall issue to the applicant a
5 food or beverage truck license that will authorize the
6 licensee to purchase liquor and wine from the board or, as
7 authorized by the board, table wine and beer, including draft
8 or keg beer, from any wholesale licensee of the board and to
9 sell ~~alcoholic beverages~~ one alcoholic beverage per sale for
10 ~~off-premises~~ on-premises consumption to guests who may consume
11 the beverages in open containers anywhere within ~~the confines~~
12 ~~of a defined boundary~~ an area designated by the municipal
13 governing body within an established entertainment district,
14 provided the license is not prohibited by a valid ordinance or
15 other ordinance in the valid exercise of police power by the
16 governing body of the municipality in which the food or
17 beverage truck is located. ~~The board, by rule, shall establish~~
18 ~~an annual food truck license fee, which may not exceed one~~
19 ~~hundred fifty dollars (\$150).~~

20 (2) An applicant shall obtain from the municipality
21 in which the food or beverage truck intends to operate a
22 certificate setting out that the applicant has presented his
23 or her application to the governing body of the municipality
24 and the municipality approves of the issuance of the license
25 for the food or beverage truck to sell alcoholic beverages.

1 (d) The food or beverage truck license fee shall be
2 three hundred dollars (\$300).

3 (e) A food or beverage truck operating outside the
4 designated entertainment district may not sell alcoholic
5 beverages.

6 (f) A food or beverage truck licensee shall consent,
7 in writing, to warrantless inspections by city, county, and
8 state inspectors and law enforcement.

9 (g) A food or beverage truck licensee must comply
10 with all on-premises rules, other than the requirement for
11 seating and restrooms.

12 ~~(d)~~ (h) Each food or beverage truck licensee shall
13 collect and remit all state and local sales and use taxes and
14 all excise and privilege taxes due on the sale of alcoholic
15 beverages.

16 ~~(e)~~ (i) The board, by rule, may require a barrier be
17 placed as a boundary around the vicinity of the food or
18 beverage truck or group of food or beverage trucks within
19 which consumption of alcoholic beverages is permitted. The
20 board shall adopt additional reasonable rules to protect
21 public health and safety.

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 16-FEB-22, as amended.

Jeff Woodard
Clerk

Senate	<hr/> 05-APR-22 <hr/>	Amended and Passed
House	<hr/> 06-APR-22 <hr/>	Concurred in Senate Amendment