

243.082 Nonquota type 1 or NQ1 retail drink license -- Issuance to a convention center or convention hotel complex, horse racetrack, automobile racetrack, railroad system, or commercial airline system or charter flight system -- Varying restrictions for eligible entities.

- (1) A "Nonquota type 1" or "NQ1" retail drink license may be issued to:
 - (a) A convention center or a convention hotel complex;
 - (b) A horse racetrack;
 - (c) An automobile racetrack;
 - (d) A railroad system; or
 - (e) A commercial airlines system or charter flight system.
- (2)
 - (a) The department may issue an NQ1 retail drink license to a railroad company operating a railroad system in the state upon the payment of the required fee. This license tax shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, and malt beverages.
 - (b) Notwithstanding KRS Chapter 242, an NQ1 retail drink issued to a railroad system shall authorize the holder to sell distilled spirits, wine, and malt beverages at retail by the drink or by the package upon any train, that includes a dining car, operated by the licensee in the state. Sales shall be made only while the train is in motion. Notwithstanding any other law, holders of such licenses may retail alcoholic beverages in unbroken packages smaller than two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine and may purchase alcoholic beverages from nonresidents.
- (3)
 - (a) The department may issue an NQ1 retail drink license to a commercial airlines system or charter flight system upon the payment of the required fee. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of distilled spirits, wine, or malt beverages, and the license may be renewed annually.
 - (b) An NQ1 retail drink license issued to a commercial airlines system or charter flight system shall authorize the holder to sell distilled spirits and wine by the drink and by miniature bottle, and malt beverages, upon regularly scheduled or charter flights of the licensee, in and out of Kentucky. The license shall authorize the licensee to store distilled spirits, wine, and malt beverages for retail sale at a location or locations, if operating from more than one (1) airport in Kentucky, as designated on the license application.
- (4) An NQ1 retail drink license issued to a convention center or convention hotel complex shall authorize the retail sale of distilled spirits, wine, and malt beverages for consumption on the premises of the convention center or hotel. The license shall permit all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses, except that a separate hotel in-room service license shall be required, where applicable. An NQ1 retail drink license issued to a convention center or convention hotel complex license shall not be transferable to other premises. This subsection shall not apply to an

NQ1 retail drink license issued to or renewed for a convention center, other than those in a city of the first class or a county containing a city of the first class or a consolidated local government, if the original license was issued prior to July 15, 1998.

- (5) An NQ1 retail drink license issued to an automobile racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of an automobile racetrack. The license permits all distilled spirits, wine, and malt beverage sales on the premises without additional supplemental licenses.
- (6) An NQ1 retail drink license issued to a horse racetrack shall authorize the holder to sell distilled spirits, wine, and malt beverages by the drink for consumption on the premises of a horse racetrack. The license permits all distilled spirits, wine, or malt beverage sales on the premises without additional supplemental licenses.

Effective: June 25, 2013

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