

**243.100 Persons who may not be licensed -- Evasion of license disqualification by certain persons.**

An individual shall not become a licensee if the individual:

- (1)
  - (a) Has been convicted of any felony until five (5) years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later;
  - (b) Has been convicted of any misdemeanor involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A in the two (2) years immediately preceding the application;
  - (c) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two (2) years immediately preceding the application;
  - (d) Is under the age of twenty-one (21) years;
  - (e) Has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of the revocation or conviction; or
  - (f) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which the application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938.
- (2) A partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law shall not be licensed if:
  - (a) Each principal owner, partner, member, officer, and director does not qualify under subsection (1)(a), (b), (c), (d), and (e) of this section;
  - (b) It has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of the revocation or conviction; or
  - (c) Any principal owner, partner, member, officer, or director, or any business entity in which they were directly or indirectly interested, has had any license revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of the later of two (2) years from the date of the revocation or two (2) years from the date of conviction.
- (3) The provisions of subsection (1)(a) and (b) shall apply to anyone applying for a new license under this chapter after July 15, 1998, but shall not apply to those who renew a license that was originally issued prior to July 15, 1998, or an application for a supplemental license where the original license was issued prior to July 15, 1998.

- (4) A person shall not evade license disqualification by applying for a license through or under the name of a different person. The state administrators shall examine the ownership, membership, and management of all license applicants, and shall deny the application if a disqualified person has a direct or indirect interest in the applicant's business. The department may issue administrative subpoenas and summonses to determine ownership of an applicant or to investigate alleged violations by a licensee.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 61, sec. 3, effective June 29, 2017; and ch. 62, sec. 50, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 20, sec. 4, effective July 15, 2014. -- Amended 1998 Ky. Acts ch. 522, sec. 7, effective July 15, 1998. -- Amended 1978 Ky. Acts ch. 194, sec. 12, effective June 17, 1978. -- Amended 1944 Ky. Acts ch. 154, sec. 12a. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-154.

**Legislative Research Commission Note** (6/29/2017). This statute was amended by 2017 Ky. Acts chs. 61 and 62, which do not appear to be in conflict and have been codified together.