

243.089 Authorized public consumption license issued in wet territory to commercial quadricycle business.

- (1) An "authorized public consumption" license or "APC" license may be issued in wet territory to an applicant operating as, or in a commercial quadricycle business.
- (2) The following qualifications are required before an APC license may be issued to a commercial quadricycle business for the operation of quadricycles on a public highway:
 - (a) The applicant shall have a business office;
 - (b) The applicant shall maintain general liability insurance of at least two million dollars (\$2,000,000). No license shall be issued or renewed without written documentation of this insurance;
 - (c) The applicant shall possess a permit issued by the local government that has jurisdiction to grant rights to the applicant to operate its business on public roadways and highways within a specific designated operational area as its premises; and
 - (d) If the local government that has jurisdiction for the premises as described in paragraph (c) of this subsection chooses to issue permits under this section, that local government shall adopt an ordinance for operation of a commercial quadricycle business that contains:
 1. Hours of operation;
 2. Local licensing requirements;
 3. Any additional insurance requirements;
 4. Standards for the approval of authorized travel routes;
 5. Safety and equipment standards;
 6. Local inspection requirements;
 7. Standards for vehicle operation; and
 8. Standards for loading and unloading passengers.
- (3) A holder of an APC license that operates as a commercial quadricycle business:
 - (a) May permit patrons to bring unopened packages of alcoholic beverages onto the licensed premises and open and drink them in nondescriptive plastic cups after boarding, and while riding, the quadricycle;
 - (b) Shall not permit patrons to bring or possess any glass containers of alcoholic beverages on the quadricycle;
 - (c) Shall not permit patrons to bring opened packages or drinks of alcoholic beverages from retail premises on the quadricycle;
 - (d) Shall only permit patrons to drink and consume alcoholic beverages in nondescriptive plastic cups while riding the quadricycle; and
 - (e) Shall not sell, permit, offer for sale, or provide or offer any samples of alcoholic beverages.
- (4) An employee driver of a commercial quadricycle business holding an APC license shall:

- (a) Be certified by the department's server training in alcohol regulations (STAR) education program;
 - (b) Not consume or be under the influence of alcoholic beverages or controlled substances while driving and operating a quadricycle; and
 - (c) Not be convicted of any criminal offense or violation related to alcoholic beverages or controlled substances for a minimum period of two (2) years prior to employment.
- (5) Any local licensing fee imposed under KRS 243.060 or 243.070 for an APC license shall not exceed the amount imposed under KRS 243.030 for an APC license.
- (6) This section does not exempt the holder of an APC license from KRS Chapters 241 to 244 or any administrative regulation promulgated by the board, except as expressly stated in this section.

Effective: July 15, 2016

History: Created 2016 Ky. Acts ch. 80, sec. 2, effective July 15, 2016.