

2023 Kansas Statutes

41-2708. Revocation or suspension of license; grounds; appeal. (a) The board of county commissioners or the governing body of any city, upon five days' notice to the persons holding a license, may revoke or suspend the license for any one of the following reasons:

- (1) The licensee has violated any of the provisions of K.S.A. 41-2701 et seq., and amendments thereto, or any rules or regulations made by the board or the city, as the case may be;
- (2) drunkenness of the licensee or permitting any intoxicated person to remain in or upon the licensee's place of business;
- (3) the sale of cereal malt beverages or beer containing not more than 6% alcohol by volume to any person under the legal age for consumption of cereal malt beverage;
- (4) permitting any person to mix drinks with materials purchased in or upon the place of business or brought in for that purpose;
- (5) the sale or possession of, or permitting any person to use or consume on the licensed premises, any alcoholic liquor as defined by K.S.A. 41-102, and amendments thereto, except beer containing not more than 6% alcohol by volume; or
- (6) the licensee has been convicted of a violation of the beer and cereal malt beverage keg registration act.

(b) The provisions of subsections (a)(4) and (5) shall not apply if the place of business or premises also are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

(c) The board of county commissioners or the governing body of any city, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:

- (1) The licensee has fraudulently obtained the license by giving false information in the application therefor;
- (2) the licensee has become ineligible to obtain a license under this act;
- (3) the nonpayment of any license fees;
- (4) permitting any gambling in or upon the licensee's place of business;
- (5) the employment of persons under 18 years of age in dispensing or selling cereal malt beverages or beer containing not more than 6% alcohol by volume;
- (6) the employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States; or
- (7) there has been a violation of K.S.A. 21-4106 or 21-4107, prior to their repeal, or K.S.A. 21-6204, and amendments thereto, in or upon the licensee's place of business.

(d) Within 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order revoking or suspending the license shall not suspend the order of revocation or suspension during the pendency of any such appeal.

History: L. 1937, ch. 214, § 6; L. 1949, ch. 245, § 1; L. 1951, ch. 302, § 2; L. 1965, ch. 316, § 37; L. 1973, ch. 202, § 2; L. 1976, ch. 145, § 195; L. 1985, ch. 171, § 7; L. 1987, ch. 182, § 104; L. 1995, ch. 258, § 5; L. 2002, ch. 44, § 8; L. 2004, ch. 1, § 2; L. 2009, ch. 87, § 2; L. 2011, ch. 30, § 183; L. 2017, ch. 56, § 11; April 1, 2019.