

1 HB234  
2 216597-2  
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

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to food trucks; to add Section 28-3A-17.1  
9 to the Code of Alabama 1975; to provide for a food truck  
10 license in Class 1 municipalities that would allow a food  
11 truck to sell alcoholic beverages for consumption in open  
12 containers within an area designated by the municipal  
13 governing authority within an established entertainment  
14 district; and to require the Alcoholic Beverage Control Board  
15 to adopt rules.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 §28-3A-17.1.

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

22 (b) As used in this section, food truck means a  
23 fully encased food service establishment approved by the  
24 Department of Public Health, which is housed on a motor  
25 vehicle or on a trailer that a motor vehicle pulls to  
26 transport, and from which a vendor, standing within the frame  
27 of the vehicle, prepares, cooks, sells, or serves food for

1 immediate human consumption. The term does not include a food  
2 cart that is not motorized.

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

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

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

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

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

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

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

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

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Economic Devel-  
opment and Tourism..... 02-FEB-22

Read for the second time and placed  
on the calendar..... 09-FEB-22

Read for the third time and passed  
as amended..... 16-FEB-22

Yeas 75, Nays 18, Abstains 9

Jeff Woodard  
Clerk