

Tenn. Code Ann. § 57-3-701

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\*\*\* Current through the 2013 Regular Session \*\*\*

Title 57 Intoxicating Liquors

Chapter 3 Local Option--Traffic in Intoxicating Liquors

Part 7 Employee and Server Permits

Tenn. Code Ann. § 57-3-701 (2014)

**57-3-701.** Short title.

This part shall be known as the "Alcohol Server Responsibility and Training Act of 1995."

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-702.** Commission authorized to issue permits.

The commission is authorized to issue employee permits pursuant to §§ 57-3-203(d), 57-3-203(e), 57-3-204(c) and server permits pursuant to § 57-4-204(h) in accordance with the requirements of this part.

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-703.** Application requirements for employee permit.

An individual seeking an employee permit pursuant to §§ 57-3-203(d), 57-3-203(e), and 57-3-204(c) shall make application for such permit by completing an application form in the manner prescribed by the commission. The applicant for employee permit must demonstrate that the applicant meets the following requirements:

- (1) The applicant has not been convicted of any crime involving the sale or distribution of alcohol over the previous eight (8) years;
- (2) The applicant has not been convicted of any felony within the previous five (5) years;
- (3) The applicant is at least eighteen (18) years of age;
- (4) The applicant has not had an employee or server permit or any similar type permit issued by the state, any local jurisdiction, or any foreign jurisdiction revoked by any issuing authority within the previous three (3) years;

(5) The applicant does not hold any ownership interest in any licensee or permittee licensed pursuant to § 57-3-203, § 57-3-204, § 57-4-101, or § 57-5-103, nor shall the applicant have had any ownership interest in any such licensee or permittee which has had its license or permit revoked by the issuing authority within the previous eight (8) years; and

(6) The applicant has not had an employee or server permit suspended by the commission unless the commission finds good cause to issue the permit notwithstanding such suspension.

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-704.** Application requirements for server permits.

Any individual may be eligible for a server permit by completing an application for such permit on the forms provided by the commission. An applicant for a server permit must demonstrate to the commission that the applicant meets the following requirements:

(1) Other than for a crime described in subdivision (2), the applicant has not been convicted of a felony within the previous four (4) years;

(2) (A) The applicant has not been convicted of any crime relating to alcoholic beverages and beer, other than related to the sale of such beverages as provided in subdivision (2)(B), schedules 1 and 2 controlled substances, controlled substance analogues or any sex-related crime or embezzlement within the previous eight (8) years; or

(B) (i) Except as provided in subdivision (2)(B)(ii), the applicant has not been convicted of any crime relating to the sale of alcoholic beverages or beer occurring within eight (8) years prior to the date of the application;

(ii) If an applicant is charged with any crime described under this subdivision (2)(B) as a first offense and the applicant is placed on judicial diversion, the applicant may be issued a server permit upon successful completion of the judicial diversion;

(3) The applicant has not had an employee or server permit or similar permit issued in a foreign jurisdiction revoked by any issuing authority within the previous five (5) years;

(4) The applicant has not had any ownership interest in any licensee or permittee, licensed or permitted pursuant to § 57-3-203, § 57-3-204, § 57-4-101 or § 57-5-103 which has had its license or permit revoked by the issuing authority within the previous eight (8) years;

(5) Within one (1) year prior to the submission of the application the applicant has successfully completed a program of alcohol awareness training for persons involved in the direct service of alcohol, wine or beer by an entity certified by the commission to have an adequate training curriculum for alcohol awareness. If, in the determination of the commission, a state other than Tennessee is deemed to have an adequate program of alcohol awareness training, then the successful completion of such training in that state within one (1) year prior to the submission of

an application to the commission for a server permit shall satisfy the requirement of alcohol awareness training; and

(6) The applicant is at least eighteen (18) years of age.

HISTORY: Acts 1995, ch. 396, § 1; 2001, ch. 279, § 2; 2012, ch. 848, § 60; 2012, ch. 1063, § 2

**57-3-705.** Commission certification.

The commission shall certify any organization or entity seeking to provide alcohol awareness training for employees or servers, or both, upon adequate demonstration to the commission that the curriculum, faculty, materials and facilities of the organization or entity meet such minimum standards as shall be fixed by the commission. The commission is authorized to review the adequacy of the curriculum, faculty, materials and facilities of any certified trainer at any time. Failure of any certified trainer to maintain adequate records, respond to a request for information from the commission, or meet the minimum standards prescribed by the commission shall be grounds to decertify the organization or entity.

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-706.** Criminal record check.

The commission may conduct a criminal record review of any applicant for an employee or server permit to ensure the applicant's compliance with the requirements of this part. The commission shall employ the best available means to conduct this investigation.

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-707.** Temporary permits -- Replacement permit cards -- Property of employee.

A new server may work for sixty-one (61) days after being hired without the permit required by this part. Any server who has worked for sixty-one (61) days must have the permit required by this part. Upon payment of a reasonable copying fee, the alcoholic beverage commission is authorized and directed to issue replacement permit cards to any cardholder who is qualified under this part for an employee or server permit card which is still valid. Employee and server permit cards are hereby declared the property of the employee or server to whom such cards have been issued. Licensed establishments shall only require a server or employee to provide a copy of such cards for keeping by the establishment.

HISTORY: Acts 1995, ch. 396, § 1; 1999, ch. 206, § 1; 2001, ch. 279, § 1; 2002, ch. 716, § 1.

**57-3-708.** Permit renewal.

Each employee and server permit shall be valid for five (5) years. Applications for renewal shall be made in the same manner as applications for original permits upon forms prescribed by the commission. Employee and server permits are not transferrable.

HISTORY: Acts 1995, ch. 396, § 1; 2001, ch. 279, § 3.

**57-3-709.** Fees.

The commission may assess an application and renewal fee for the permits to be issued under this part. The commission may assess a certification fee to any organization or entity seeking certification under § 57-3-705. The commission shall establish such fees, only pursuant to rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and such fees shall be limited only to covering the costs of implementing this part. The commission shall assess an application and renewal fee for the permits issued under this part in an amount sufficient to fund any cost to the state which results from loss of federal funds to implement and administer this program.

HISTORY: Acts 1995, ch. 396, § 1.

**57-3-710.** Implementation.

The commission is authorized to promulgate appropriate rules to implement this part.

HISTORY: Acts 1995, ch. 396, § 1.