

Document:

Tenn. Code Ann. § 57-3-704

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Current through the 2024 Regular Session.

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57-3-704. Application requirements for server permits.
[Effective on January 1, 2025. See the version effective until
January 1, 2025.]

(a) Any individual may be eligible for a server permit by completing an application for such a 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) 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. The program must consist of not less than three and one-half (3½) hours of training. The curriculum must include training to understand the role of alcohol in sexual assault and harassment, best practices for ensuring patron safety and bystander intervention, recognizing the role of drugs in assault, and strategies to prevent patron drugging in establishments. The curriculum must also educate servers on recognizing and reporting signs of human trafficking. 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;

(2) The applicant is at least eighteen (18) years of age; and

(3) The applicant:

(A) Has not been convicted of a felony offense involving the use or threat of violence to a human being or any sex-related crime within the previous eight (8) years;

(B) Has not been convicted of a felony offense involving theft, fraud, deceit, or intoxication within the previous four (4) years;

(C) Has not been convicted of a crime relating to the sale or dispensing of alcoholic beverages or beer, Schedules I and II controlled substances, or controlled substance analogues within the previous four (4) years;

(D) Has not had a server permit or any similar permit issued by the state, a local jurisdiction, or a foreign jurisdiction revoked by an issuing authority within the previous four (4) years; and

(E) Has not had an ownership interest in any licensee or permittee, licensed or permitted pursuant to § 57-3-203, § 57-3-204, § 57-3-207, § 57-4-101, or § 57-5-103 that has had its license or permit revoked by the issuing authority within the previous four (4) years.

(b) If an applicant does not meet the requirements of subdivision (a)(3), but is otherwise eligible for a server permit, then the applicant's application shall be initially denied pursuant to this subsection (b). Within thirty (30) days of such initial denial, the applicant may request a hearing to be held pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. At such hearing, the administrative law judge or hearing officer may consider any evidence the administrative law judge or hearing officer deems relevant to the matter and may, if in the administrative law judge's or hearing officer's judgment the principles of equity require, approve the application and grant the employee permit, notwithstanding the requirements of subdivision (a)(3).

(c)

(1) If an applicant does not request a hearing pursuant to subsection (b) within the required period, then the application's denial will be final and the applicant may not reapply for a server permit until the relevant time period described in subdivision (a)(3) has expired. If a person applies for a server permit in violation of this subdivision (c)(1), then such application shall be denied and subsection (b) shall not apply.

(2) If the administrative law judge, hearing officer, or commission denies an application pursuant to subsection (b), then the application's denial will be final and the applicant may not reapply for a server permit or apply for an employee permit pursuant to § 57-3-703 until the relevant time period described in subdivision (a)(3) has expired. If a person applies for an employee or server permit in violation of this subdivision (c)(2), then such application shall be denied and subsection (b) or § 57-3-703(b) shall not apply.

(d) If a person is convicted of an offense described in subdivision (a)(3)(A) or (a)(3)(B) after being issued a server permit pursuant to this section, the commission may institute proceedings to revoke the person's server permit pursuant to § 57-3-214; provided, that the administrative law judge or hearing officer may, if in the administrative law judge's or hearing officer's judgment the principles of equity require, refuse to revoke the person's server permit, notwithstanding a finding that the person has been convicted of an offense described in subdivision (a)(3)(A) or (a)(3)(B). If the administrative law judge, hearing officer, or commission revokes a server permit pursuant to this subsection (d), then the applicant may not reapply for a server permit or apply for an employee permit pursuant to § 57-3-703 until the relevant time period described in subdivision (a)(3)(A) or (a)(3)(B) has expired. If a person applies for an employee or server permit in violation of this subsection (d), then such application shall be denied and subsection (b) or § 57-3-703(b) shall not apply.

(e) The commission may promulgate rules and regulations to enforce and administer this section pursuant to the Uniform Administrative Procedures Act.

(f) The commission may suspend or revoke a server permit for any violation of this title or any rule or regulation promulgated by the commission committed by the permit holder. The commission may, in lieu of suspending or revoking a server permit under this subsection (f), require the server to retake and successfully complete a program of alcohol awareness training conducted by an entity certified by the commission.

(g)

(1) Any employee, representative, or agent of a permittee whose duties include verifying that a person is twenty-one (21) years of age or older for the purpose of authorizing the person access to the premises of the permittee shall, during any period in which the employee, representative, or agent is required to verify that a person is twenty-one (21) years of age or older, require each person seeking access to the premises whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older to present a valid, government-issued document or other acceptable form of identification that includes the photograph and birth date of the person.

(2) The commission may impose a fine of five hundred dollars (\$500) against any employee, representative, or agent of a permittee who violates subdivision (g)(1).

(3) As used in this subsection (g):

(A) "Employee, representative, or agent" does not include a server permitted under § 57-4-203(h) and this part; and

(B) "Permittee" means any person, business, or other entity issued a permit under chapter 4 of this title for the purpose of authorizing the sale and consumption of alcoholic beverages on the premises of the permittee.

(h) A person employed pursuant to § 50-5-106(b)(2) and not permitted to take orders for or serve intoxicating beverages is not required to obtain a server permit.

History

Acts 1995, ch. 396, § 1; 2001, ch. 279, § 2; 2012, ch. 848, § 60; 2012, ch. 1063, § 2; 2014, ch. 973, § 2; 2016, ch. 719, § 2; 2016, ch. 908, § 2; 2017, ch. 147, § 13; 2019, ch. 435, § 1; 2023, ch. 68, § 3; 2023, ch. 355, § 1; 2024, ch. 731, § 1.

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