



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

January 4, 1985

OPINION NO. 85-6

Honorable David R. Malone
State Representative
1928 Austin Drive
P. O. Box 1048
Fayetteville, Arkansas 72702

Dear Mr. Malone:

This correspondence is in response to your inquiry about whether both the 1% Hotel and Motel Gross Receipts Tax, pursuant to Ark. Stat. Ann. §19-4613 (1983 Supp.) and the 5% Gross Receipts on Private Clubs Tax, pursuant to Ark. Stat. Ann. §48-1410 (1983 Supp.) may apply to the gross receipts of a private club which sells prepared food for consumption on the premises.

Ark. Stat. Ann. §19-4613 (1983 Supp.) provides in pertinent part:

Any city of the first class may by ordinance of the governing body thereof, levy a tax of one percent (1%) upon the gross receipts or gross proceeds from the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit in such city, and/or upon the gross receipts or gross proceeds of restaurants, cafes, cafeterias and other establishments, as defined in the levying ordinance, engaged in the business of selling prepared food for consumption on the premises in such city. (Emphasis Added)

Thus, depending on the levying ordinance, the 1% Hotel and Restaurant Tax may apply to a private club for the servicing of prepared food for consumption on the premises in addition to the above-mentioned 5% tax, levied on the gross receipts from charges to members for the preparation and serving of mixed drinks.

The foregoing opinion, which I hereby approve was prepared by Chief Deputy Attorney General Rodney Parham.

Yours truly,

A handwritten signature in dark ink, appearing to read "Steve Clark".
STEVE CLARK
Attorney General

SC:RP:lm