

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 15-1202

BY REPRESENTATIVE(S) Singer, Arndt, Becker K., Conti, Esgar, Fields, Foote, Ginal, Hamner, Lebsock, Melton, Mitsch Bush, Williams, Young;
also SENATOR(S) Woods, Baumgardner, Grantham, Guzman, Heath, Hill, Holbert, Jones, Kerr, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scott, Steadman, Todd.

CONCERNING THE ABILITY OF A LICENSING AUTHORITY TO REISSUE EXPIRED ALCOHOL BEVERAGE LICENSES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-47-302, **amend** (2) (b); and **add** (2) (d) as follows:

12-47-302. License renewal. (2) (b) ~~No~~ A state or local licensing authority shall NOT accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety days must apply for a new license pursuant to section 12-47-311 and shall not sell or possess for sale any alcohol beverage until all required licenses have been obtained OR A REISSUED LICENSE PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) (I) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (2), WITH THE PERMISSION OF THE LICENSING AUTHORITY, A LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR MORE THAN NINETY DAYS BUT LESS THAN ONE HUNDRED EIGHTY DAYS MAY SUBMIT TO THE LOCAL LICENSING AUTHORITY, OR TO THE STATE LICENSING AUTHORITY IN THE CASE OF A LICENSEE WHOSE ALCOHOL BEVERAGE LICENSE IS NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, AN APPLICATION FOR A REISSUED LICENSE. THE LICENSING AUTHORITY HAS THE SOLE DISCRETION TO DETERMINE WHETHER TO ALLOW A LICENSEE TO APPLY FOR A REISSUED LICENSE.

(II) IF THE LICENSING AUTHORITY DOES NOT ALLOW THE LICENSEE'S APPLICATION, THEN THE LICENSEE MUST APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311. A PERSON WHO HAS APPLIED FOR A NEW LICENSE SHALL NOT SELL, OR POSSESS FOR SALE IN PUBLIC VIEW, ANY ALCOHOL BEVERAGE UNTIL ALL REQUIRED LICENSES HAVE BEEN OBTAINED.

(III) FOR LICENSEES SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE LOCAL LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE LOCAL LICENSING AUTHORITY:

(A) AN APPLICATION FOR A REISSUED LICENSE;

(B) PAYMENT OF A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE;
AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(IV) AFTER THE LOCAL LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY AND LOCAL LICENSING AUTHORITY HAVE EACH TAKEN FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(V) IF THE LOCAL LICENSING AUTHORITY APPROVES THE REISSUANCE OF THE LICENSEE'S LICENSE, THE LOCAL LICENSING AUTHORITY

SHALL FORWARD THE APPROVED APPLICATION TO THE STATE LICENSING AUTHORITY FOR REVIEW. IN ADDITION TO THE LATE APPLICATION FEE AND FINE IMPOSED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL IMPOSE A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE AND A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VI) FOR LICENSEES WHO ARE NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE STATE LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE STATE LICENSING AUTHORITY:

(A) AN APPLICATION FOR A REISSUED LICENSE;

(B) PAYMENT OF A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE;
AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VII) AFTER THE STATE LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY TAKES FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(VIII) IF THE STATE LICENSING AUTHORITY APPROVES THE REISSUANCE, THE LICENSEE WILL MAINTAIN THE SAME LICENSE PERIOD DATES AS IF THE LICENSE HAD BEEN RENEWED PRIOR TO THE EXPIRATION DATE.

(IX) IF EITHER THE LOCAL OR STATE LICENSING AUTHORITY DENIES THE LICENSEE'S APPLICATION FOR REISSUANCE OF THE EXPIRED LICENSE, THEN THE LICENSEE MAY APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311.

(X) NEITHER THE STATE NOR LOCAL LICENSING AUTHORITY MAY GRANT A LICENSEE'S APPLICATION FOR LICENSE REISSUANCE MORE THAN THREE TIMES IN ANY FIVE-YEAR PERIOD.

SECTION 2. In Colorado Revised Statutes, 12-47-501, **amend** (2) (a) (XIII) as follows:

12-47-501. State fees. (2) (a) The state licensing authority shall establish fees for processing the following types of applications, notices, or reports required to be submitted to the state licensing authority:

(XIII) Expired license renewal AND REISSUANCE applications pursuant to section 12-47-302;

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO