

**COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
NEW RULES AND/OR CHANGES TO EXISTING RULES
2014**

1 C.C.R. 203-2

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REGULATION 47-328. ENTERTAINMENT DISTRICTS. *(New Regulation)*

WITHIN FIFTEEN (15) DAYS OF THE CREATION OF AN ENTERTAINMENT DISTRICT PURSUANT TO 12-47-301(11), A LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING AUTHORITY OF THE ENTERTAINMENT DISTRICT, AND PROVIDE (1) A MAP OF THE ENTERTAINMENT DISTRICT AND ANY COMMON CONSUMPTION AREAS, (2) A LIST OF LICENSED PREMISES ATTACHED TO ANY COMMON CONSUMPTION AREA, AND (3) THE HOURS OF OPERATION FOR ANY COMMON CONSUMPTION AREA AND ATTACHED LICENSED PREMISES.

REGULATION 47-506. FEES. *(New Regulation)*

BELOW ARE THE FEES SET BY THE STATE LICENSING AUTHORITY PURSUANT TO SECTIONS 12-47-501(2) AND 12-47-501(3), C.R.S.

ALTERNATING PROPRIETOR LICENSED PREMISES	\$ 150.00
APPLICATION FOR NEW LICENSE	\$ 600.00
APPLICATION FOR NEW LICENSE WITH CONCURRENT REVIEW	\$ 700.00
APPLICATION FOR TRANSFER LICENSE	\$ 600.00
ART GALLERY PERMIT	\$ 71.25
BED & BREAKFAST PERMIT	\$ 50.00
BRANCH WAREHOUSE OR WAREHOUSE STORAGE PERMIT	\$ 100.00
CHANGE OF CORPORATE OR TRADE NAME	\$ 50.00
CHANGE OF LOCATION	\$ 150.00
CORPORATE/LLC CHANGE (PER PERSON)	\$ 100.00
DUPLICATE LIQUOR LICENSE	\$ 50.00
LIMITED LIABILITY CHANGE	\$ 100.00
MANAGER REGISTRATION (HOTEL/RESTAURANT OR TAVERN)	\$ 75.00
MASTER FILE BACKGROUND	\$ 250.00
MASTER FILE LOCATION FEE (PER LOCATION)	\$ 25.00
MODIFICATION OF LICENSE PREMISES (CITY OR COUNTY)	\$ 100.00
NEW PRODUCT REGISTRATION (PER UNIT)	\$ 5.00

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OPTIONAL PREMISES ADDED TO H&R LICENSE (PER UNIT)	\$ 100.00
RETAIL WAREHOUSE STORAGE PERMIT	\$ 100.00
WINE FESTIVAL PERMIT	\$ 25.00
WINE DIRECT SHIPMENT PERMIT	\$ 50.00
SUBPOENA TESTIMONY (PER HOUR)	\$ 50.00
MINIMUM OF FOUR (4) HOURS OF APPEARANCE OR ON-CALL OR TRAVEL TIME TO COURT AND MILEAGE, MEALS, AND LODGING AT STATE EMPLOYEE PER-DIEM RATE. ACTUAL HOURLY RATE FOR ALL HOURS IN EXCESS OF FOUR(4) HOURS	

REGULATION 47- 601. ASSURANCE OF VOLUNTARY COMPLIANCE. *(New Regulation recommendation from the Colorado liquor compliance working group.)*

THE LIQUOR ENFORCEMENT DIVISION DIRECTOR OR LOCAL LICENSING AUTHORITY MAY ACCEPT AN ASSURANCE OF VOLUNTARY COMPLIANCE REGARDING ANY ACT OR PRACTICE ALLEGED TO VIOLATE ARTICLES 46, 47 OR 48 OF TITLE 12, C.R.S., OR THE RULES AND REGULATIONS THEREUNDER, BY A LICENSEE WHO HAS ENGAGED IN, IS ENGAGING IN, OR IS ABOUT TO ENGAGE IN SUCH ACTS OR PRACTICES. THE ASSURANCE MUST BE IN WRITING AND MAY INCLUDE A STIPULATION FOR THE VOLUNTARY PAYMENT OF THE COSTS OF THE INVESTIGATION. AN ASSURANCE OF VOLUNTARY COMPLIANCE MAY NOT BE CONSIDERED AN ADMISSION OF A VIOLATION FOR ANY PURPOSE BY THE STATE OR LOCAL LICENSING AUTHORITY; HOWEVER, PROOF OF FAILURE TO COMPLY WITH THE ASSURANCE OF VOLUNTARY COMPLIANCE IS PRIMA FACIE EVIDENCE OF A VIOLATION OF ARTICLES 46, 47 OR 48 OF TITLE 12, C.R.S., OR THE RULES AND REGULATION THEREUNDER, NOT TO EXCEED NINE (9) MONTHS FROM THE DATE OF EXECUTED AGREEMENT. THE STATE LICENSING AUTHORITY OR LOCAL LICENSING AUTHORITY MAY APPROVE OR REVIEW AN ASSURANCE OF VOLUNTARY COMPLIANCE EXECUTED BY THEIR RESPECTIVE AGENCIES.

Regulation 47-604. Compliance Check Penalties. *(Changes pursuant to a recommendation from the Colorado Liquor Compliance working group.)*

When a licensing authority finds that a licensee has sold alcohol beverages to a minor and that said violation was investigated or detected by using a person under twenty-one years of age to purchase alcohol beverages from the licensee, the licensing authority may consider the following penalties to be imposed for the violation:

- A. 1. First Offense - (within one year) A written warning up to a 15 day suspension. Accepting a fine (within the provisions of C.R.S. 12-47-601) in lieu of ~~up to 14 days of~~ actual suspension is at the discretion of the licensing authority, as is holding a portion of the suspension time in abeyance for a period of time.
 2. As an inducement for licensees to provide training for servers, because server training has proven to be an aid in the reduction of violations, it is recommended that, where there are no aggravating circumstances, a licensee who has FULFILLED THE REQUIREMENTS OF A RESPONSIBLE VENDOR PURSUANT TO 12-47-1002, C.R.S. ~~provided training to its staff members~~ be issued ~~only~~ a warning UP TO FIVE (5) DAYS SUSPENSION on THE first violation.
- B. Second Offense (within one year) - A 5 to 25 ~~30~~ day suspension. If no fine was paid or suspension served at the time of the first offense, it would be within the discretion of the licensing authority to accept a fine (within the provisions of C.R.S. 12-47-601) in lieu of actual days of suspension and/or to hold a portion of the suspension time in abeyance for a period of time.

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- C. Third Offense (within ~~two~~ ~~one~~ years) - ~~1520~~ to 4045 day suspension.
- D. Fourth Offense (within two years) - 45 day suspension to revocation.
- E. Licensing Authorities may also consider mitigating and aggravating factors when considering the imposition of the penalty. These factors may include:
 - 1. Action taken by the licensee to prevent violations, i.e., training of servers.
 - 2. Licensee's past history of success ~~OR~~ ~~of~~ failure with compliance checks.
 - 3. Corrective action(s) taken by the licensee.
 - 4. Prior violations/prior corrective action(s) and its effectiveness.
 - 5. Willfulness or deliberateness of the violation.
 - 6. Likelihood of recurrence of the violation.
 - 7. Factors which might make the situation unique, such as:
 - a. Prior notification letter to the licensee that a compliance check would be forthcoming.
 - b. The dress or appearance of the underage operative, i.e., the operative was wearing a high school letter jacket.
 - 8. Licensee or manager is the violator or has directed an employee or other individual to violate the law.

Regulation 47-605. Responsible Alcohol Beverage Vendor and Permitted Tastings by Retail Liquor Stores and Liquor Licensed Drugstores. *(Changes pursuant to a recommendation from the Colorado Liquor Compliance working group.)*

(To be added after paragraph D)

RECORDS RETENTION

THE CERTIFIED SELLER – SERVER TRAINING PROGRAM PROVIDERS FOR THE RESPONSIBLE ALCOHOL BEVERAGE VENDOR PRORAM MUST KEEP PROOF OF ATTENDANCE AND RECORDS OF SUCCESSFUL COMPLETION OF THE TRAINING FOR A MINIMUM OF THREE (3) YEARS FOR EACH CLASS AND MAKE THE RECORDS AVAILABLE TO THE LIQUOR ENFORCEMENT DIVISION UPON REQUEST.

Regulation 47-912. Identification. *(Changes pursuant to a recommendation from the Colorado Liquor Compliance working group.)*

- A. Licensees may refuse to sell alcohol beverages to any person unable to produce adequate, currently valid identification of age. As long as it contains a picture and date of birth, the kind and type of identification deemed adequate shall be limited to the following:

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1. An operator's, chauffeur's or similar type driver's license issued by any state within the United States, any U.S. Territory, or any foreign country including Canada or Mexico.
2. An identification card issued by any state for the purpose of proof of age as in accordance with C.R.S. 42-2-302 and 42-2-303.
3. A military identification card.
4. A passport.
5. An alien registration card.
6. A valid employment authorization document issued by the U.S. Department of Homeland Security.
7. A VALID CONSULAR IDENTIFICATION CARD FROM ANY FOREIGN COUNTRY.