

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0868.01 Yelana Love x2295

SENATE BILL 17-134

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Herod and Nordberg,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXCLUSION OF CERTAIN AREAS OF AN ALCOHOL**
102 **BEVERAGE LICENSEE'S OPERATION IN THE APPLICATION OF**
103 **PENALTIES FOR CERTAIN VIOLATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill limits penalties for violations relating to the sale of alcohol beverages to a visibly intoxicated or underage person that occur in a sales room for licensees operating a beer wholesaler, winery, limited winery, or distillery, or in a retail establishment, for licensees operating a brew pub, vintner's restaurant, or distillery pub, by prohibiting the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 17, 2017

licensing authority from:

- ! Basing any fine on the estimated gross revenues of any manufacturing or wholesale activities of the licensee; and
- ! Extending any suspension to the manufacturing or wholesale activities of the licensee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-601, **amend**
3 (1) and (3)(b); and **add** (7.5) as follows:

4 **12-47-601. Suspension - revocation - fines.** (1) SUBJECT TO
5 SUBSECTION (7.5) OF THIS SECTION, in addition to any other penalties
6 prescribed by this ~~article~~ ARTICLE 47 or article 46 or 48 of this ~~title~~ TITLE
7 12, the state or any local licensing authority has the power, on its own
8 motion or on complaint, after investigation and public hearing at which
9 the licensee shall be afforded an opportunity to be heard, to suspend or
10 revoke any license or permit issued by such authority for any violation by
11 the licensee or by any of the agents, servants, or employees of ~~such~~ THE
12 licensee ~~of the provisions of this article~~ article 47; ~~or any of the rules or~~
13 ~~regulations authorized pursuant to~~ BY this ~~article~~ ARTICLE 47; ~~or of any of~~
14 the terms, conditions, or provisions of the license or permit issued by such
15 authority. Any licensing authority has the power to administer oaths and
16 issue subpoenas to require the presence of persons and the production of
17 papers, books, and records necessary to the determination of any hearing
18 that the licensing authority is authorized to conduct.

19 (3) (b) SUBJECT TO SUBSECTION (7.5) OF THIS SECTION, the fine
20 accepted shall be the equivalent to twenty percent of the licensee's
21 estimated gross revenues from sales of alcohol beverages during the
22 period of the proposed suspension; except that the fine ~~shall~~ MUST be ~~not~~
23 ~~less than~~ BETWEEN two hundred dollars ~~not more than~~ AND five thousand

1 dollars.

2 (7.5) (a) THE FOLLOWING APPLIES ONLY IF THE LICENSING
3 AUTHORITY HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF
4 SECTION 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A SALES
5 ROOM FOR A LICENSEE OPERATING PURSUANT TO SECTION 12-47-402 (2)
6 OR (6), 12-47-403 (2)(e), OR 12-47-406 (1)(b):

7 (I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN
8 LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY
9 INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS
10 REVENUES OF THE RETAIL SALES OF THE SALES ROOM WHERE THE
11 VIOLATION OCCURRED, AND NOT ANY MANUFACTURING OR WHOLESALE
12 ACTIVITIES OF THE LICENSEE; EXCEPT THAT THE FINE MUST BE BETWEEN
13 TWO HUNDRED AND FIVE THOUSAND DOLLARS; AND

14 (II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT
15 SHALL LIMIT ANY SUSPENSION TO THE DESIGNATED PREMISES FOR THE
16 SALES ROOM WHERE THE VIOLATION OCCURRED, AND NOT ANY
17 MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE.

18 (b) THE FOLLOWING APPLIES ONLY IF THE LICENSING AUTHORITY
19 HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF SECTION
20 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A RETAIL
21 ESTABLISHMENT FOR LICENSEES OPERATING PURSUANT TO SECTION
22 12-47-415, 12-47-420, OR 12-47-424:

23 (I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN
24 LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY
25 INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS
26 REVENUES OF THE RETAIL ACTIVITIES OF THE LICENSEE, AND NOT ANY
27 MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE; EXCEPT

1 THAT THE FINE MUST BE BETWEEN TWO HUNDRED AND FIVE THOUSAND
2 DOLLARS; AND

3 (II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT
4 SHALL LIMIT ANY SUSPENSION TO THE RETAIL ACTIVITIES OF THE LICENSEE,
5 AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE
6 LICENSEE.

7 **SECTION 2. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 9, 2017, if adjournment sine die is on May 10,
11 2017); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2018 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to conduct occurring on or after the applicable
18 effective date of this act.