

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

**INTRODUCED**

LLS NO. 19-0809.01 Megan Waples x4348

**HOUSE BILL 19-1246**

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**HOUSE SPONSORSHIP**

**Van Winkle and Kraft-Tharp,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF FOOD TRUCK BUSINESSES BY LOCAL**  
102 **GOVERNMENTS.**

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**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 requires a local government to grant a business license to a food truck operator that has obtained a license from another local government, and prohibits the local government from imposing additional licensing requirements. Local governments are prohibited from requiring separate licenses or fees for the operation of a food truck in more than one location or on more than one day in the same year or requiring the

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

food truck operator to provide certain types of documentation related to the food truck's operation or location. A local government may enforce its sales tax, zoning, and land use regulations and promulgate ordinances or regulations related to the operation of food trucks in its jurisdiction that are not inconsistent with the bill's requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 11.6 to  
3 title 29 as follows:

4 **ARTICLE 11.6**

5 **Food Trucks**

6 **29-11.6-101. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) FOOD TRUCKS ARE A GROWING PART OF THE COLORADO  
9 ECONOMY;

10 (b) FOOD TRUCKS ARE INHERENTLY MOBILE AND INTENDED TO  
11 OPERATE IN VARIOUS LOCATIONS ACROSS THE STATE; AND

12 (c) LAWS IMPOSED AND ADMINISTERED AT THE LOCAL LEVEL  
13 REQUIRING FOOD TRUCK BUSINESSES TO OBTAIN SEPARATE PERMITS OR  
14 LICENSES TO OPERATE WITHIN A LOCAL GOVERNMENT'S JURISDICTION  
15 IMPOSE INORDINATE BURDENS ON THOSE BUSINESSES.

16 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE  
17 MATTERS ADDRESSED IN THIS ARTICLE 11.6 RELATED TO THE LICENSING OF  
18 FOOD TRUCK BUSINESSES ARE MATTERS OF STATEWIDE CONCERN AND THIS  
19 ARTICLE 11.6 IS THEREFORE APPLICABLE IN EVERY MUNICIPALITY,  
20 COUNTY, AND CITY AND COUNTY IN THE STATE.

21 **29-11.6-102. Definitions.** AS USED IN THIS ARTICLE 11.6, UNLESS  
22 THE CONTEXT OTHERWISE REQUIRES:

23 (1) "FOOD TRUCK" MEANS A RETAIL FOOD ESTABLISHMENT THAT

1 IS A WHEELED VEHICLE OR TRAILER THAT IS READILY MOVEABLE AND  
2 DESIGNED FOR THE SERVICE OF FOOD OR BEVERAGES FROM THE INTERIOR  
3 OF THE UNIT.

4 (2) "FOOD TRUCK OPERATOR" MEANS A PERSON WHO OWNS,  
5 MANAGES, OR CONTROLS, OR WHO HAS THE DUTY TO MANAGE OR  
6 CONTROL, THE OPERATION OF A FOOD TRUCK.

7 (3) "FOOD TRUCK VENDOR" MEANS A PERSON WHO SELLS, COOKS,  
8 OR SERVES FOOD OR BEVERAGES FROM A FOOD TRUCK.

9 (4) "LOCAL GOVERNMENT" MEANS ANY COUNTY, MUNICIPALITY,  
10 OR CITY AND COUNTY IN THE STATE.

11 **29-11.6-103. Licensing - reciprocity - fees.** (1) A LOCAL  
12 GOVERNMENT SHALL NOT:

13 (a) REQUIRE A SEPARATE LICENSE OR FEE BEYOND THE INITIAL  
14 BUSINESS LICENSE AND FEE FOR THE OPERATION OF A FOOD TRUCK IN  
15 MORE THAN ONE LOCATION OR ON MORE THAN ONE DAY WITHIN THE  
16 JURISDICTION OF THE LOCAL GOVERNMENT IN THE SAME CALENDAR YEAR;

17 (b) REQUIRE A FEE FOR EACH EMPLOYEE THE FOOD TRUCK  
18 OPERATOR EMPLOYS; OR

19 (c) AS A BUSINESS LICENSE QUALIFICATION, REQUIRE A FOOD  
20 TRUCK OPERATOR OR FOOD TRUCK VENDOR TO DEMONSTRATE HOW THE  
21 OPERATION OF THE FOOD TRUCK WILL COMPLY WITH A LAND USE OR  
22 ZONING ORDINANCE AT THE TIME THE OPERATOR OR VENDOR APPLIES FOR  
23 A BUSINESS LICENSE.

24 (2) (a) A LOCAL GOVERNMENT SHALL GRANT A BUSINESS LICENSE  
25 TO OPERATE A FOOD TRUCK WITHIN THE JURISDICTION OF THE LOCAL  
26 GOVERNMENT TO A FOOD TRUCK OPERATOR WHO HAS OBTAINED A  
27 BUSINESS LICENSE TO OPERATE A FOOD TRUCK FROM ANOTHER LOCAL

1 GOVERNMENT WITHIN THE STATE IF THE FOOD TRUCK OPERATOR PRESENTS  
2 TO THE LOCAL GOVERNMENT:

3 (I) A CURRENT BUSINESS LICENSE FROM THE OTHER LOCAL  
4 GOVERNMENT WITHIN THE STATE;

5 (II) A CURRENT APPROVAL OF A LOCAL GOVERNMENT WITHIN THE  
6 STATE THAT SHOWS THAT THE FOOD TRUCK PASSED A FIRE SAFETY  
7 INSPECTION CONDUCTED BY THAT LOCAL GOVERNMENT; AND

8 (III) A CURRENT RETAIL FOOD ESTABLISHMENT LICENSE ISSUED IN  
9 ACCORDANCE WITH PART 16 OF ARTICLE 4 OF TITLE 25; EXCEPT THAT, IN  
10 ACCORDANCE WITH SECTION 25-4-1604 (2), THE CITY AND COUNTY OF  
11 DENVER MAY REQUIRE A RETAIL FOOD LICENSE ISSUED IN ACCORDANCE  
12 WITH THE ORDINANCES OF THE CITY AND COUNTY OF DENVER.

13 (b) IF A FOOD TRUCK OPERATOR PRESENTS THE DOCUMENTS  
14 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL  
15 GOVERNMENT SHALL NOT:

16 (I) IMPOSE ADDITIONAL LICENSE QUALIFICATION REQUIREMENTS  
17 ON THE FOOD TRUCK OPERATOR BEFORE ISSUING A LICENSE TO OPERATE  
18 WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT, EXCEPT FOR  
19 CHARGING A FEE IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION;  
20 OR

21 (II) ISSUE A LICENSE THAT EXPIRES ON A DATE EARLIER OR LATER  
22 THAN THE DAY ON WHICH THE LICENSE DESCRIBED IN SUBSECTION (2)(a)(I)  
23 OF THIS SECTION EXPIRES.

24 (c) THIS SUBSECTION (2) DOES NOT PREVENT A LOCAL  
25 GOVERNMENT FROM REQUIRING THE COLLECTION OF SALES TAX OR  
26 ENFORCING ITS LAND USE REGULATIONS, ZONING, AND OTHER ORDINANCES  
27 IN RELATION TO THE OPERATION OF A FOOD TRUCK.

1           (3) A LOCAL GOVERNMENT MAY ONLY CHARGE A BUSINESS  
2 LICENSING FEE TO A FOOD TRUCK OPERATOR IN AN AMOUNT THAT  
3 REIMBURSES THE LOCAL GOVERNMENT FOR THE ACTUAL COST OF  
4 REGULATING THE FOOD TRUCK.

5           (4) THIS SECTION DOES NOT PREVENT A LOCAL GOVERNMENT  
6 FROM:

7           (a) REQUIRING A FOOD TRUCK OPERATOR TO COLLECT SALES TAX  
8 OR COMPLY WITH LOCAL ZONING AND LAND USE REGULATIONS;

9           (b) PROMULGATING LOCAL ORDINANCES AND REGULATIONS  
10 CONSISTENT WITH THIS ARTICLE 11.6 THAT ADDRESS HOW AND WHERE A  
11 FOOD TRUCK MAY OPERATE WITHIN THE LOCAL GOVERNMENT'S  
12 JURISDICTION;

13           (c) CHARGING A FEE FOR A LICENSE FOR A SPECIAL EVENT IN  
14 ACCORDANCE WITH SECTION 25-4-1607 (1)(d); OR

15           (d) REVOKING A LICENSE THAT THE LOCAL GOVERNMENT HAS  
16 ISSUED IF THE OPERATION OF THE FOOD TRUCK VIOLATES THE TERMS OF  
17 THE LICENSE.

18           **29-11.6-104. Food truck operation on private property.** (1) IF  
19 A FOOD TRUCK OPERATOR HAS THE CONSENT OF A PRIVATE PROPERTY  
20 OWNER TO OPERATE THE FOOD TRUCK ON THE PRIVATE PROPERTY, A  
21 LOCAL GOVERNMENT SHALL NOT:

22           (a) LIMIT THE NUMBER OF DAYS THE FOOD TRUCK MAY OPERATE  
23 ON THE PRIVATE PROPERTY;

24           (b) REQUIRE THAT THE FOOD TRUCK OPERATOR OR FOOD TRUCK  
25 VENDOR PROVIDE TO THE LOCAL GOVERNMENT OR KEEP ON FILE IN THE  
26 FOOD TRUCK THE PRIVATE PROPERTY OWNER'S WRITTEN CONSENT; OR

27           (c) REQUIRE A SITE PLAN FOR THE OPERATION OF THE FOOD TRUCK

1 ON THE PRIVATE PROPERTY WHERE THE FOOD TRUCK OPERATES IN THE  
2 SAME LOCATION FOR LESS THAN TEN HOURS PER WEEK.

3 **SECTION 2. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.