

CHAPTER 290

REVENUE - ACTIVITIES REGULATION

SENATE BILL 20-110

BY SENATOR(S) Williams A. and Holbert, Priola, Tate;
also REPRESENTATIVE(S) Snyder, Herod.

AN ACT

CONCERNING FINES LEVIED BY A LICENSING AUTHORITY FOR VIOLATIONS OF LAWS RELATED TO ALCOHOL BEVERAGES.

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

SECTION 1. In Colorado Revised Statutes, 44-3-601, **amend** (1) and (3)(b); **repeal** (3)(c); and **add** (3.5) as follows:

44-3-601. Suspension - revocation - fines - rules. (1) (a) Subject to subsection (8) of this section, in addition to any other penalties prescribed by this article 3 or article 4 or 5 of this title 44, the state or any local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to FINE A LICENSEE OR TO suspend or revoke, in whole or in part, any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of the licensee of this article 3; any rules authorized by this article 3; or any of the terms, conditions, or provisions of the license or permit issued by such authority. A LICENSING AUTHORITY MAY IMPOSE A FINE PURSUANT TO THIS SUBSECTION (1) REGARDLESS OF WHETHER A LICENSEE HAS PETITIONED THE LICENSING AUTHORITY PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION FOR PERMISSION TO PAY A FINE IN LIEU OF LICENSE OR PERMIT SUSPENSION, AND THE LICENSING AUTHORITY NEED NOT MAKE THE FINDINGS SPECIFIED IN SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

(b) Any licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) FOR THE PURPOSES OF IMPOSING A FINE, THE STATE LICENSING AUTHORITY SHALL ADOPT RULES ESTABLISHING CATEGORIES OF VIOLATIONS BY LEVEL OF SEVERITY AND ASSOCIATED RANGES OF PENALTIES FOR STATE AND LOCAL LICENSING AUTHORITIES, INCLUDING AGGRAVATING AND MITIGATING FACTORS TO BE CONSIDERED IN DETERMINING PENALTIES. A FINE IMPOSED PURSUANT TO THIS SUBSECTION (1) MUST BE BETWEEN FIVE HUNDRED AND ONE HUNDRED THOUSAND DOLLARS; EXCEPT THAT PENALTIES FOR A FIRST VIOLATION THAT IS IN THE LEAST SEVERE LEVEL OF LICENSE VIOLATIONS ESTABLISHED PURSUANT TO THIS SUBSECTION (1)(c) MUST NOT EXCEED FIVE THOUSAND DOLLARS.

(3) (b) Subject to subsection (8) of this section, the fine accepted BY THE LICENSEE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION shall be the equivalent to twenty percent of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine must be between ~~two~~ FIVE hundred and ~~five~~ ONE HUNDRED thousand dollars.

~~(c) Payment of any fine pursuant to the provisions of this subsection (3) shall be in the form of cash or in the form of a certified check or cashier's check made payable to the state or local licensing authority, whichever is appropriate.~~

(3.5) THE METHOD OF PAYMENT OF ANY FINE PURSUANT TO SUBSECTION (1) OR (3) OF THIS SECTION:

(a) TO A LOCAL LICENSING AUTHORITY SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE LOCAL LICENSING AUTHORITY;

(b) TO THE STATE LICENSING AUTHORITY SHALL BE IN THE FORM DETERMINED BY THE STATE LICENSING AUTHORITY BY RULE.

SECTION 2. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 13, 2020