

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1061.01 Christy Chase x2008

HOUSE BILL 22-1415

HOUSE SPONSORSHIP

Bird and McKean,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ELIMINATION OF THE REQUIREMENT THAT CERTAIN
102 BUSINESSES LICENSED TO SELL ALCOHOL BEVERAGES FOR
103 CONSUMPTION ON THE LICENSED PREMISES REGISTER A
104 MANAGER OF THE LICENSED PREMISES WITH THE STATE
105 LICENSING AUTHORITY.

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 amends the "Colorado Liquor Code" to eliminate the requirement that a hotel and restaurant, tavern, and lodging and

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.

entertainment licensee register a manager with the liquor enforcement division in the department of revenue. The licensees are required to notify and pay a fee to the state and local licensing authority if the licensee changes its manager.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-301, **amend** (8)
3 as follows:

4 **44-3-301. Licensing in general.** (8) Each licensee holding a
5 fermented malt beverage on-premises license or on- and off-premises
6 license, beer and wine license, HOTEL AND RESTAURANT LICENSE, tavern
7 license, lodging and entertainment license, club license, arts license, or
8 racetrack license shall manage the premises himself or herself or employ
9 a separate and distinct manager on the premises and shall report the name
10 of the manager to the state and local licensing authorities. The licensee
11 shall report any change in managers to the state and local licensing
12 authorities within thirty days after the change. ~~It is unlawful for the~~
13 ~~licensee to fail to report the name of or any change in managers as~~
14 ~~required by this subsection (8). The failure to report is grounds for~~
15 ~~suspension of the license~~ A HOTEL AND RESTAURANT, TAVERN, OR
16 LODGING AND ENTERTAINMENT LICENSEE SHALL PAY A THIRTY-DOLLAR
17 FEE TO BOTH THE STATE AND THE LOCAL LICENSING AUTHORITY WHEN THE
18 LICENSEE REPORTS TO THE STATE AND LOCAL LICENSING AUTHORITY A
19 CHANGE IN MANAGER.

20 **SECTION 2.** In Colorado Revised Statutes, 44-3-413, **amend**
21 (10); and **repeal** (9), (11), (12), and (13) as follows:

22 **44-3-413. Hotel and restaurant license - definitions - rules.**
23 (9) ~~Each hotel and restaurant licensee shall manage or have a separate~~

1 ~~and distinct manager and shall register the manager of each~~
2 ~~liquor-licensed premises with the state and the local licensing authority.~~
3 ~~No person shall be a registered manager for more than one hotel and~~
4 ~~restaurant license.~~

5 (10) The registered manager for each hotel and restaurant license,
6 the hotel and restaurant licensee, or an employee or agent of the hotel and
7 restaurant licensee shall MAY purchase alcohol beverages for one licensed
8 premises only, and the purchases shall MUST be separate and distinct from
9 purchases for any other hotel and restaurant license.

10 (11) ~~When a person ceases to be a registered manager of a hotel~~
11 ~~and restaurant license, for whatever reason, the hotel and restaurant~~
12 ~~licensee shall notify the licensing authorities within five days and shall~~
13 ~~designate a new registered manager within thirty days.~~

14 (12) ~~Either the state or the local licensing authority may refuse to~~
15 ~~accept any person as a registered manager unless the person is satisfactory~~
16 ~~to the respective licensing authorities as to character, record, and~~
17 ~~reputation. In determining a registered manager's character, record, and~~
18 ~~reputation, the state or local licensing authority may have access to~~
19 ~~criminal history record information furnished by a criminal justice agency~~
20 ~~subject to any restrictions imposed by such agency.~~

21 (13) ~~The hotel and restaurant licensee shall pay a registration fee~~
22 ~~not to exceed seventy-five dollars to the state and to the local licensing~~
23 ~~authority for actual and necessary expenses incurred in establishing the~~
24 ~~character, record, and reputation of each registered manager.~~

25 **SECTION 3.** In Colorado Revised Statutes, 44-3-414, **amend** (5);
26 **and repeal** (4), (6), (7), and (8) as follows:

27 **44-3-414. Tavern license.** (4) ~~Each tavern licensee shall manage~~

1 or have a separate and distinct manager for each licensed premises and
2 shall register the manager of each licensed premises with both the state
3 and the local licensing authority. No person shall be a registered manager
4 for more than one tavern license.

5 (5) The ~~registered~~ manager for each tavern license, the tavern
6 licensee, or an employee or agent of the tavern licensee ~~shall~~ MAY
7 purchase alcohol beverages for one licensed premises only, and the
8 purchases ~~shall~~ MUST be separate and distinct from purchases for any
9 other tavern license.

10 (6) ~~When a person ceases to be a registered manager for a tavern~~
11 ~~license, for whatever reason, the tavern licensee shall notify the licensing~~
12 ~~authorities within five days and shall designate a new registered manager~~
13 ~~within thirty days.~~

14 (7) ~~The state licensing authority or the local licensing authority~~
15 ~~may refuse to accept any person as a registered manager unless the person~~
16 ~~is satisfactory to the respective licensing authorities as to character,~~
17 ~~record, and reputation. In determining a registered manager's character,~~
18 ~~record, and reputation, the state or local licensing authority may have~~
19 ~~access to criminal history record information furnished by a criminal~~
20 ~~justice agency subject to any restrictions imposed by such agency.~~

21 (8) ~~The tavern licensee shall pay a registration fee not to exceed~~
22 ~~seventy-five dollars for actual and necessary expenses incurred in~~
23 ~~determining the character, record, and reputation of each registered~~
24 ~~manager. Such fee shall be paid to both the state and the local licensing~~
25 ~~authority.~~

26 **SECTION 4.** In Colorado Revised Statutes, 44-3-428, **amend** (4)
27 as follows:

1 **44-3-428. Lodging and entertainment license.** (4) (a) Each
2 ~~lodging and entertainment facility licensee shall manage or have a~~
3 ~~separate and distinct manager for each licensed premises and shall~~
4 ~~register the manager of each licensed premises with both the state and the~~
5 ~~local licensing authority. A person shall not be a registered manager for~~
6 ~~more than one lodging and entertainment license.~~

7 (b) The ~~registered~~ manager for each lodging and entertainment
8 license, the lodging and entertainment facility licensee, or an employee
9 or agent of the lodging and entertainment facility licensee ~~shall~~ MAY
10 purchase alcohol beverages for one licensed premises only, and the
11 purchases ~~shall~~ MUST be separate and distinct from purchases for any
12 other lodging and entertainment license.

13 (c) ~~When a person ceases to be a registered manager for a lodging~~
14 ~~and entertainment license, the lodging and entertainment facility licensee~~
15 ~~shall notify the licensing authorities within five days and shall designate~~
16 ~~a new registered manager within thirty days.~~

17 (d) ~~The state licensing authority or the local licensing authority~~
18 ~~may refuse to accept any person as a registered manager unless the person~~
19 ~~is satisfactory to the respective licensing authorities as to character,~~
20 ~~record, and reputation. In determining a registered manager's character,~~
21 ~~record, and reputation, the state or local licensing authority may have~~
22 ~~access to criminal history record information furnished by a criminal~~
23 ~~justice agency subject to any restrictions imposed by the agency.~~

24 (e) ~~The lodging and entertainment facility licensee shall pay a~~
25 ~~registration fee, not to exceed seventy-five dollars, for actual and~~
26 ~~necessary expenses incurred in determining the character, record, and~~
27 ~~reputation of each registered manager. The lodging and entertainment~~

1 facility licensee shall pay the fee to both the state and the local licensing
2 authority.

3 **SECTION 5.** In Colorado Revised Statutes, 44-3-901, **amend**
4 (6)(m) as follows:

5 **44-3-901. Unlawful acts - exceptions - definitions.** (6) It is
6 unlawful for any person licensed to sell at retail pursuant to this article 3
7 or article 4 of this title 44:

8 (m) To require a wholesaler to make delivery to any premises
9 other than the specific hotel and restaurant premises where the alcohol
10 beverage is to be sold and consumed if the person is a hotel and restaurant
11 licensee or the ~~registered~~ manager of a hotel and restaurant license
12 requires the delivery;

13 **SECTION 6. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.