

**PUBLIC NOTICE
CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY ANNUAL RETREAT
THURSDAY, JUNE 11, 2015 1:00 - 5:00 P.M.
1777 WEST CONFERENCE ROOM,
MUNICIPAL BUILDING – 1ST FLOOR
1777 BROADWAY, BOULDER, COLORADO**

AGENDA

1. Review of Petition Materials
 - a. Current City of Boulder petition packet. Exhibit 1.
 - b. Example of business petition by Oedipus, Inc. Exhibit 2.
 - c. Example of resident petition by Oedipus, Inc. Exhibit 3.
2. Aggravation/Mitigating Factors – sentencing
 - a. City of Boulder Beverages Licensing Authority Penalty Schedule. Exhibit 1.
3. Definition of good moral character and rehabilitation evidence
 - a. C.R.S. 12-47-307(3)(a). Exhibit 1.
4. Relevant new statutes
 - a. Email from Patrick Maroney, Director Colorado Liquor Enforcement Division, dated May 28, 2015. Includes summary of bills passed in 2015 Legislative Session which affect liquor industry. Exhibit 1.
 - b. HB 15-1202 Concerning the Ability of a Licensing Authority to Reissue Expired Alcohol Beverage Licenses. Exhibit 2.
 - c. HB 15-1217 Concerning the Ability of a Local Licensing Authority to Provide Input to the State Licensing Authority on Applications for Approval to Operate a Sales Room. Exhibit 3.
 - d. Summary of HB 15-1043 Felony Offense for Repeat DUI Offenders. Exhibit 4.
 - e. Suggested procedures from Mishawn Cook regarding reinstatement of expired liquor licenses. Exhibit 5.
 - f. Suggested procedures from Mishawn Cook regarding local licensing authority input with 45 days of receipt on new applications for breweries, wineries and distilleries in City of Boulder. Exhibit 6.

Neighborhood Needs & Desires Petition Summary

Applicant: _____

Trade Name: _____

Business Location: _____

Occupancy: _____ Square Footage: _____

Business Description: _____

Operating Hours: _____

License Type: _____ Same # of Licenses in area: _____

Date(s) of Petitioning: _____

Defined Neighborhood: [BOUNDARIES]

Total Contacts: _____

Not at Home: _____

Not Qualified: _____

Refuse to Sign: _____

Needs & Desires Already Met: _____

Religious Objection: _____

Remained Neutral: _____

Alcohol Usage Objections: _____

No Reason Given: _____

TOTAL # IN FAVOR _____ TOTAL # OPPOSED _____

Affidavit of Circulator

I, _____, do hereby certify that I was the Circulator of the attached petitions and further, that I personally witnessed each signature appearing on the petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understood its meaning. All of the undersigned were shown the map and list provided by the City of Boulder's licensing department. I also affirm that no premises, threats or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was given freely and voluntarily.

Circulator's Name: _____

Circulator's Signature: _____

Circulator's Address: _____

State of Colorado)

) ss.

County of Boulder)

Subscribe and sworn to before me this _____ day of _____, _____.

Notary Public

SEAL

My Commission Expires: _____

PETITION TO THE BEVERAGE LICENSING AUTHORITY OF BOULDER, COLORADO

APPLICANT/TRADE NAME: THE BEST, INC., dba THE BEST THERE IS **SITE LOCATION:** 1509 ANYWHERE STREET, BOULDER, CO 80301
APPLICATION FOR: BEER & WINE LIQUOR LICENSE [To sell beer and wine, by the drink, to be consumed ON the licensed premises only]
PUBLIC HEARING: WEDNESDAY, 17 DECEMBER 2014, 3:00 P.M., MUNICIPAL BUILDING, 1777 BROADWAY, BOULDER, CO 80302
DEFINED NEIGHBORHOOD: N: VALMONT ROAD S: COLORADO BLVD. E: FOOTHILLS PARKWAY W: FOLSOM STREET (SEE MAP)

Operating Hours: 8:30 a.m. to 10:00 p.m., 7 days a week **Business Description:** Quick-serve Italian restaurant **Same # of Licenses in Area:** 14

This petition/opinion poll is being conducted to determine the reasonable requirements, needs, & desires of the adult inhabitants of the defined neighborhood per C.R.S. 12-46 and/or C.R.S. 12-47, The Colorado Beer and Liquor Codes, and per local licensing authority rules/procedures. If you think you have been unduly influenced by the petition circulator or have questions or comments concerning the proposed application or survey method, please call: Mishawn J. Cook, City of Boulder License Manager, (303) 441-3010, or email: cookm@bouldercolorado.gov

PETITION ISSUE: [*] If you favor and support this application for a BEER & WINE LIQUOR LICENSE because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood (SEE MAP) are not now being adequately served by existing businesses that hold the same or similar type of license now doing business in the defined neighborhood, and it is your desire that this BEER & WINE LIQUOR LICENSE be issued, please sign and check the FAVOR [*] column to GRANT the requested license. Please write in the reason you support this license application. [**] If you oppose and do not support this application for a BEER & WINE LIQUOR LICENSE, please sign and check the OPPOSE [**] column, and please write in your reason why you oppose this license application.

INSTRUCTIONS/QUALIFICATIONS: (1) Must be 21 years of age or older and a resident of the defined neighborhood [SEE MAP]; (2) OR, Must be Owner or Manager of business located within the defined neighborhood and be 21 years of age or older; (3) Must sign in presence of petition circulator and may only sign for this matter one time; and (4) Must sign own given name [first name or first initial and last name]. No individual may sign for another individual. **I the undersigned, am aware that a liquor license application has been filed with the City of Boulder. I certify that I am at least 21 years of age and a business owner or manager in the defined neighborhood. I have indicated below, with my signature, my opinion about approval/denial of the above referenced application.**

Please Sign and Print your name		Your Title, Business Name & Address	Age	Today's Date	*Favor	**Oppose	PLEASE WRITE REASON YOU FAVOR OR OPPOSE THIS APPLICATION
1.	Signature: _____ Printed Name _____	Title _____ Business Name _____ Business Address _____					
2.	Signature: _____ Printed Name _____	Title _____ Business Name _____ Business Address _____					
3.	Signature: _____ Printed Name _____	Title _____ Business Name _____ Business Address _____					
4.	Signature: _____ Printed Name _____	Title _____ Business Name _____ Business Address _____					
5.	Signature: _____ Printed Name _____	Title _____ Business Name _____ Business Address _____					

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Please Sign and Print your name		Complete Address	Age	Today's Date	*Favor	**Oppose	PLEASE WRITE REASON YOU FAVOR OR OPPOSE THIS APPLICATION
1.	Signature: _____ Printed Name						
2.	Signature: _____ Printed Name						
3.	Signature: _____ Printed Name						
4.	Signature: _____ Printed Name						
5.	Signature: _____ Printed Name						
6.	Signature: _____ Printed Name						
7.	Signature: _____ Printed Name						
8.	Signature: _____ Printed Name						

**CITY OF BOULDER
BEVERAGES LICENSING AUTHORITY
PENALTY SCHEDULE
Effective January 1, 2003**

Code Violations	All Other Licenses	Liquor Store Tavern License	All Other Licenses	Liquor Store Tavern License
	Days Served	Days Served	Days in Abeyance	Days in Abeyance
Sale/service to a minor				
1 count	5	3	9	6
2 counts	10	6	20	12
3+ counts	15	9	30	18
Second Offense w/in 1 yr.	10	6	20	12
Conduct of establishment				
1 count	8	6	6	3
2 counts	13	9	17	9
3+ counts	18	12	27	15
Second Offense w/in 1 yr.	20	11	20	12
Sale/service to intoxicated patron				
First Offense				
1 count	5	3	9	6
2 counts	10	6	20	12
3+ counts	15	9	30	18
Second Offense w/in 1 yr.	10	6	20	12
Sale/service after legal hours				
First Offense	3	2	7	4
Second Offense	10	6	20	12
Removal of alcohol from licensed premises				
1 count	3	3	7	7
2 counts	5	5	5	5
Underage employee selling or serving				
First Offense				
1 count	2	1	5	3
2 counts	4	3	10	6
3+ counts	10	6	20	12
Permitting disturbances				
First Offense	10	6	20	12
Second Offense	20	12	30	18
Purchases of liquor from someone other than a wholesaler				
1 count	3	3	7	7
2 counts	5	5	5	5
Failure to maintain adequate books/records				
First Offense	5	3	9	6
Second Offense	10	6	20	12
Failure to report manager, corporate, financial or trade name change				
First Offense	0	0	5	3
Second Offense	3	2	7	4
Failure to Meet Food Requirements				
First Offense	5	N/A	9 (w/30 to correct)	N/A
Second Offense	10	N/A	20 (w/30 to correct)	N/A

	Days Served	Liquor Store Tavern License Days Served	Days in Abeyance	Liquor Store Tavern License Days in Abeyance
Permitting Illegal Gambling				
First Offense	3	2	7	4
Second Offense	15	9	30	18
Third Offense	20	12	30	18
Video Poker Gambling				
First Offense	15	9	30	18
Second Offense	20	12	30	18
Violations on Follow-Up Inspections				
For each Offense	1	1	2	1
Altered Alcohol				
1 count	5	3	9	6
Shake a Day				
1 count	5	3	9	6
2 counts	10	6	20	12

The suspension penalties are only guidelines and are not binding on the Authority. WRITTEN MITIGATING FACTOR EVIDENCE NEEDS TO BE SUBMITTED AT LEAST 9 DAYS PRIOR TO HEARING. The Authority reserves the right to impose any penalty authorized by law.

The Authority MAY, in their discretion, consider the following in imposing suspension periods:

Mitigating Factors

- * Training programs (initial & on-going; Responsible Vendor Training & Supplemental; must be current)
- * Written policies
- * Supervision procedures
- * Self-check programs
- * Use of birth-date input cash registers
- * Community involvement
- * Responsible advertising practices
- * Active Responsible Hospitality Group (8 of 11 yr. mtgs.)
- * Other pertinent facts

Aggravating Factors

- * Failure to submit Mitigating Facts evidence 9 days before hearing
- * Prior Offenses in past five (5) years
- * Irresponsible advertising policies
- * Failure to accept responsibility
- * Lack of effective operational/training programs
- * Failure to cooperate with liquor enforcement representatives
- * Multiple Police contacts
- * Violation occurring outside of compliance checks (aka "stings")
- * Other pertinent facts

In determining whether or not a second or subsequent violation occurred within a one-year period, the Authority will use the date of conviction for the first violation (usually the date of the hearing) to the actual date of the second violation. For example, if a licensee was "convicted" of their first violation at a March 1, 2001 hearing and had ten days held in abeyance and then they were cited on February 1, 2002, that would be considered a second violation within a year. The licensee would automatically have to serve the ten days held in abeyance from the first violation, plus their new suspension days. If however, the licensee were cited on March 9, 2002, then it would not be considered a second violation within a year.

COLORADO LIQUOR CODE

12-47-307. Persons prohibited as licensees.

(1)(a) No license provided by this article or article 46 or 48 of this title shall be issued to or held by:

(I) Any person until the annual fee therefor has been paid;

(II) Any person who is not of good moral character;

(III) Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;

(IV) Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;

(V) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;

(VI) Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;

(VII) Any natural person under twenty-one years of age.

(b)(I) In making a determination as to character or when considering the conviction of a crime, a licensing authority shall be governed by the provisions of section 24-5-101, C.R.S.

(II) With respect to arts or club license applications, an investigation of the character of the president or chair of the board and the operational manager shall be deemed sufficient to determine whether to issue the arts or club license to the applicant.

(2)(a) No license provided by this article shall be issued to or held by a peace officer described in section 16-2.5-121, 16-2.5-122, 16-2.5-123, 16-2.5-125, 16-2.5-126, 16-2.5-128, or 16-2.5-129, C.R.S., or the state licensing authority or any of its inspectors or employees.

(b) A peace officer described in section 16-2.5-103, 16-2.5-105, 16-2.5-108, 16-2.5-132, or 16-2.5-149, C.R.S., may not obtain or hold a license under this article to operate a licensed premises that is located within the same jurisdiction that employs the peace officer.

(3)(a) In investigating the qualifications of the applicant or a licensee, the local licensing authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the local licensing authority takes into consideration information concerning the applicant's criminal history record, the local licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

(b) As used in paragraph (a) of this subsection (3), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency that performs the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

(c) At the time of the application for a license, the applicant shall submit fingerprints and file personal history information concerning the applicant's qualifications for a license on forms prepared by the state licensing authority. The state and local licensing authorities shall submit such fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprints-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprints-based criminal history record checks. An applicant who has previously submitted fingerprints for alcohol beverage licensing purposes may request that the fingerprints on file be used. The licensing authorities shall use the information resulting from the fingerprints-based criminal history record check to investigate and to determine if an applicant is qualified for a license pursuant to this article and article 46 of this title. The licensing authority shall not be prohibited from verifying any of the information required to be submitted by an applicant pursuant to this section. An applicant shall not be required to submit additional information beyond that required in this subsection (3) unless the licensing authority has determined any of the following:

(I) The applicant has misrepresented a material fact;

(II) The applicant has an established criminal history record;

(III) A prior criminal or administrative proceeding determined that the applicant violated alcohol beverage laws;

(IV) The information submitted by an applicant is incomplete; or

(V) The character, record, or reputation of the applicant, his or her agent, or his or her principal is such that a potential violation of this article or article 46 of this title may occur if a license is issued to the applicant.



COLORADO

Department of Revenue

Enforcement Division - Liquor & Tobacco

Physical Address:
1881 Pierce Street
Lakewood, CO 80214

Mailing Address:
P.O. Box 173350
Denver, CO 80217-3350

May 28, 2015

Dear Liquor Industry Members, Local Clerks and Stakeholders:

The 2015 Legislative session was active with liquor industry bills, some of which will require rule changes. The following laws were passed by the Colorado Legislature and signed by Governor John Hickenlooper. The Colorado Liquor Enforcement Division (Division) is providing summary information from each bill and how it affects the industry. In order to assist the industry in understanding the bills, the Division will have meetings in June 2015 to provide more details and answer questions that may arise.

SUMMARY:

HB15-1031/Powdered Alcohol

This bill mandates the Colorado Liquor Enforcement Division (Division) to adopt rules establishing a mechanism for regulating the manufacture, purchase, sale, possession, and use of powdered alcohol. The Division will seek input from all stakeholders involved during the upcoming working groups starting in June.

This bill became law on March 20, 2015.

HB15-1192/Entertainment District Expansion

Add the following license types allowed to be an attached license premises to a common consumption area within an entertainment district: beer and wine, manufacturer that operates a sales room pursuant to section 12-47-402(2) or (6), C.R.S. – wineries and limited wineries.

This bill becomes law effective on August 5, 2015.

HB15-1202/Reissued Licenses

This bill creates a reissued license for licensees who fail to renew their liquor license more than 90 days and not less than 180 days. Applications for a reissued license are either accepted or denied by the local licensing authority or state licensing authority for those licenses not subject to local licensing authority approval. If accepted by the licensing authority, the licensee must submit:

1. An application for a reissued license
2. Payment of five-hundred (\$500) late fee to the local licensing authority (for retail licenses) and the state licensing authority for all license types
3. Payment of a fine of twenty-five \$25 per day for each day the license has been expired beyond ninety days to both the local and state licensing authorities

If the reissued license application is not allowed, the licensee must apply for new license per section 12-47-311, C.R.S.

This bill becomes law effective August 5, 2015.

HB15-1204/Distillery Pub

This bill creates a new retail license type called a Distillery Pub. It is fashioned after the Brew Pub concept and allows:

1. Sale of alcohol beverages for on-premises consumption
2. Production of not more than forty-five thousand (45,000) liters of spirituous liquor that is fermented and distilled on the licensed premises
3. Sell its spirituous liquor to independent wholesalers
4. Sell its spirituous liquor to the public in sealed containers for off-premises consumption
5. Sell its spirituous liquor at wholesale to licensed retailer in an amount up to two thousand seven hundred liters per spirituous liquor product per calendar year.
6. A Distillery Pub is added to the list of licenses allowed to cork and carry vinous liquor according to section 12-47-421, C.R.S.

Since the Distillery Pub is a retail license, it must first be initially submitted to the local licensing authority for approval. An Alternating Proprietors license is not available for the Distillery Pub.

At least 15% of the gross on-premises food and alcohol beverage income of the licensee must be from the sale of food. Food is defined as a quantity of foodstuffs of a nature that is ordinarily consumed by an individual at regular intervals for the purpose of sustenance.

This bill became law on April 24, 2015.

HB15-1217/Local Input for Salesrooms

This bill gives local licensing authorities the ability to provide input to the state licensing authority concerning wineries, limited wineries, distilleries and malt liquor sales rooms. The applicant for a sales room must forward a copy of the application to the local licensing authority who has forty-five (45) days to provide input of whether or not the sales room affects traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.

This bill does not mandate the local licensing authorities to conduct a hearing, but is not prohibited either.

The state licensing authority will adopt rules concerning the amount of time needed for the local licensing authority to submit its determination for sales rooms considered temporary, which is not more than three (3) days.

The applicant must affirm to the state licensing authority that the applicant has complied with local zoning restrictions for any additional sales room.

This bill becomes law effective August 5, 2015.

HB15-1244/Cork and Carry for Club Licenses

This bill added the club license type to the list of licenses that are allowed to cork and carry according to section 12-47-421, C.R.S. It applies to vinous liquors (no more than 750 ml) that have been unsealed and partially consumed.

HB15-1255/EBT Enforcement

This bill provides additional responsibility to the Division concerning the enforcement of the prohibited use of electronic benefits transfer cards at certain liquor licensed establishments.

This bills mandates:

On or before January 1, 2016 and July 1, 2016, the Department of Revenue shall submit reports on electronic benefits transfer withdrawals from prohibited liquor establishments according to section 26-2-104, C.R.S. This includes liquor licenses defined as retail liquor establishments licensed to sell malt, vinous or spirituous liquor pursuant to part 3 of article 47 of title 12, C.R.S.

On or before January 1, 2016, the Department of Revenue shall adopt rules to enforce the prohibition of clients accessing benefits at an ATM which is prohibited by law. Such rules must include:

1. A requirement that the liquor license post a sign on or near the ATM notifying clients that this section prohibits the use of electronic benefits service transfer card at the ATM
2. A requirement that the liquor licensee take measures to prevent a client from using an electronic benefits cards to access moneys from the ATM
3. Methods to enforce this requirement against the liquor licensed establishment including increasing penalties for multiple violations.
4. A provision that a liquor licensee is exempt from the requirements of the adopted rules if the licensee provides the Division a statement from the owner of the ATM that the ATM does not accept electronic benefits transfer cards. Except that, if one or more violations occur at the liquor licensed establishment, the Division may take measures to prevent future violations including increasing penalties for multiple violations not to exceed \$100.

This bill became law effective May 1, 2015.

The specific dates for Division meetings to discuss more details of these bills are posted on our website, www.colorado.gov/enforcement/liquor.

Sincerely,



Patrick Maroney
Director
Colorado Liquor Enforcement Division

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 15-1202

BY REPRESENTATIVE(S) Singer, Arndt, Becker K., Conti, Esgar, Fields, Foote, Ginal, Hamner, Lebsock, Melton, Mitsch Bush, Williams, Young;
also SENATOR(S) Woods, Baumgardner, Grantham, Guzman, Heath, Hill, Holbert, Jones, Kerr, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scott, Steadman, Todd.

CONCERNING THE ABILITY OF A LICENSING AUTHORITY TO REISSUE EXPIRED ALCOHOL BEVERAGE LICENSES.

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

SECTION 1. In Colorado Revised Statutes, 12-47-302, **amend** (2) (b); and **add** (2) (d) as follows:

12-47-302. License renewal. (2) (b) ~~No~~ A state or local licensing authority shall NOT accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety days must apply for a new license pursuant to section 12-47-311 ~~and shall not sell or possess for sale any alcohol beverage until all required licenses have been obtained~~ OR A REISSUED LICENSE PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) (I) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (2), WITH THE PERMISSION OF THE LICENSING AUTHORITY, A LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR MORE THAN NINETY DAYS BUT LESS THAN ONE HUNDRED EIGHTY DAYS MAY SUBMIT TO THE LOCAL LICENSING AUTHORITY, OR TO THE STATE LICENSING AUTHORITY IN THE CASE OF A LICENSEE WHOSE ALCOHOL BEVERAGE LICENSE IS NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, AN APPLICATION FOR A REISSUED LICENSE. THE LICENSING AUTHORITY HAS THE SOLE DISCRETION TO DETERMINE WHETHER TO ALLOW A LICENSEE TO APPLY FOR A REISSUED LICENSE.

(II) IF THE LICENSING AUTHORITY DOES NOT ALLOW THE LICENSEE'S APPLICATION, THEN THE LICENSEE MUST APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311. A PERSON WHO HAS APPLIED FOR A NEW LICENSE SHALL NOT SELL, OR POSSESS FOR SALE IN PUBLIC VIEW, ANY ALCOHOL BEVERAGE UNTIL ALL REQUIRED LICENSES HAVE BEEN OBTAINED.

(III) FOR LICENSEES SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE LOCAL LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE LOCAL LICENSING AUTHORITY:

(A) AN APPLICATION FOR A REISSUED LICENSE;

(B) PAYMENT OF A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE;
AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(IV) AFTER THE LOCAL LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY AND LOCAL LICENSING AUTHORITY HAVE EACH TAKEN FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(V) IF THE LOCAL LICENSING AUTHORITY APPROVES THE REISSUANCE OF THE LICENSEE'S LICENSE, THE LOCAL LICENSING AUTHORITY

SHALL FORWARD THE APPROVED APPLICATION TO THE STATE LICENSING AUTHORITY FOR REVIEW. IN ADDITION TO THE LATE APPLICATION FEE AND FINE IMPOSED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL IMPOSE A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE AND A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VI) FOR LICENSEES WHO ARE NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE STATE LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE STATE LICENSING AUTHORITY:

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AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VII) AFTER THE STATE LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY TAKES FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(VIII) IF THE STATE LICENSING AUTHORITY APPROVES THE REISSUANCE, THE LICENSEE WILL MAINTAIN THE SAME LICENSE PERIOD DATES AS IF THE LICENSE HAD BEEN RENEWED PRIOR TO THE EXPIRATION DATE.

(IX) IF EITHER THE LOCAL OR STATE LICENSING AUTHORITY DENIES THE LICENSEE'S APPLICATION FOR REISSUANCE OF THE EXPIRED LICENSE, THEN THE LICENSEE MAY APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311.

(X) NEITHER THE STATE NOR LOCAL LICENSING AUTHORITY MAY GRANT A LICENSEE'S APPLICATION FOR LICENSE REISSUANCE MORE THAN THREE TIMES IN ANY FIVE-YEAR PERIOD.

SECTION 2. In Colorado Revised Statutes, 12-47-501, **amend** (2) (a) (XIII) as follows:

12-47-501. State fees. (2) (a) The state licensing authority shall establish fees for processing the following types of applications, notices, or reports required to be submitted to the state licensing authority:

(XIII) Expired license renewal AND REISSUANCE applications pursuant to section 12-47-302;

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

NOTE: The governor signed this measure on 5/14/2015.

An Act

HOUSE BILL 15-1217

BY REPRESENTATIVE(S) Singer, Becker K., Conti, Fields, Foote, Ginal, Kagan, Lebsack, Mitsch Bush, Pettersen, Rosenthal, Roupe, Ryden, Williams, Winter, Hullinghorst;
also SENATOR(S) Holbert, Baumgardner, Cooke, Grantham, Guzman, Heath, Hill, Jahn, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Neville T., Scott, Todd, Woods, Cadman.

CONCERNING THE ABILITY OF A LOCAL LICENSING AUTHORITY TO PROVIDE INPUT TO THE STATE LICENSING AUTHORITY ON APPLICATIONS FOR APPROVAL TO OPERATE A SALES ROOM SUBMITTED BY CERTAIN PERSONS LICENSED UNDER THE "COLORADO LIQUOR CODE", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 12-47-103, **add** (31.5) as follows:

12-47-103. Definitions. As used in this article and article 46 of this title, unless the context otherwise requires:

(31.5) "SALES ROOM" MEANS AN AREA IN WHICH A LICENSED WINERY, PURSUANT TO SECTION 12-47-402 (2), LIMITED WINERY, PURSUANT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TO SECTION 12-47-403 (2) (e), DISTILLERY, PURSUANT TO SECTION 12-47-402 (6), OR BEER WHOLESALER, PURSUANT TO SECTION 12-47-406 (1) (b), SELLS AND SERVES ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES, SELLS ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES, OR BOTH.

SECTION 2. In Colorado Revised Statutes, 12-47-202, **amend** (2) (a) (I) introductory portion; and **add** (2) (a) (I) (T) as follows:

12-47-202. Duties of state licensing authority. (2) (a) (I) Rules ~~and regulations~~ made pursuant to paragraph (b) of subsection (1) of this section may cover, but shall not be limited to, the following subjects:

(T) SALES ROOMS OPERATED BY LICENSED WINERIES, DISTILLERIES, LIMITED WINERIES, OR BEER WHOLESALERS, INCLUDING THE MANNER BY WHICH A LICENSEE OPERATING A SALES ROOM NOTIFIES THE STATE LICENSING AUTHORITY OF ITS SALES ROOMS, THE CONTENT OF THE NOTICE, AND ANY OTHER NECESSARY PROVISIONS RELATED TO THE NOTICE REQUIREMENT.

SECTION 3. In Colorado Revised Statutes, 12-47-402, **amend** (2) and (6); and **repeal** (3) as follows:

12-47-402. Manufacturer's license. (2) (a) ~~Any A winery that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY conduct ~~tasting~~ TASTINGS and sell vinous liquors of its own manufacture, as well as other vinous liquors manufactured by other Colorado wineries licensed pursuant to this section or section 12-47-403, on the licensed premises of the winery and at one other ~~licensed~~ APPROVED sales room location at no additional cost, whether included in the license at the time of the original license issuance or by supplemental application.

(b) A WINERY LICENSED PURSUANT TO THIS SECTION MAY SERVE AND SELL FOOD, GENERAL MERCHANDISE, AND NONALCOHOL BEVERAGES FOR CONSUMER CONSUMPTION ON OR OFF THE LICENSED PREMISES.

(c) (I) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE

LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSED WINERY SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE.

(B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(II) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(III) THE STATE LICENSING AUTHORITY SHALL NOT GRANT APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.

(IV) A LICENSED WINERY THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (c), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM

ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED WINERY SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED WINERY APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

(A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE; OR

(B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

~~(3) Any winery that has received a license pursuant to this section is authorized to serve and sell food, general merchandise, and nonalcohol beverages for consumption on the premises of any licensed premises or to be taken by the consumer.~~

(6) (a) ~~Any~~ A manufacturer of spirituous liquors ~~that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY conduct tastings and sell to customers spirituous liquors of its own manufacture on its licensed premises and at one other ~~licensed~~ APPROVED sales room location at no additional cost. ~~Such additional~~ A sales room location may be included in the license at the time of the original license issuance or by supplemental application.

(b) ~~Any~~ A manufacturer of spirituous liquors ~~that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY serve and sell food, general merchandise, and nonalcohol beverages for CONSUMER consumption on OR OFF the LICENSED premises. ~~or to be taken off the premises by the consumer.~~

(c) (I) (A) Prior to operating ~~an additional~~ A sales room location, a manufacturer of spirituous liquors ~~that has received a license~~ LICENSED pursuant to this section shall, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, send a copy of the application or supplemental application for ~~an additional~~ A sales room to the local licensing authority in the jurisdiction in which ~~such~~ THE sales room is proposed. The local licensing authority ~~may request that the proposed sales room location license be denied by~~ MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSEE SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE.

(B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(II) The state licensing authority MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION if the local licensing authority determines that ~~issuance~~ APPROVAL of the proposed sales room ~~license would be in conflict with the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise~~ WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(d) (III) The state licensing ~~agency~~ AUTHORITY shall not grant a

~~license for~~ APPROVAL OF an additional sales room unless THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT the applicant has complied with local zoning restrictions. ~~and the provisions of section 12-47-301(2)(a):~~

(IV) A LICENSED SPIRITUOUS LIQUORS MANUFACTURER THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (c), AS AMENDED, OR THAT IS GRANTED APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), AS AMENDED, SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED SPIRITUOUS LIQUOR MANUFACTURER SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED SPIRITUOUS LIQUORS MANUFACTURER APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

(A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE; OR

(B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED SPIRITUOUS LIQUORS MANUFACTURER DOES NOT SELL AND SERVE ITS SPIRITUOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

SECTION 4. In Colorado Revised Statutes, 12-47-403, **amend** (2) (e) as follows:

12-47-403. Limited winery license. (2) A limited winery licensee is authorized:

(e)(I)(A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) AND SUBJECT TO SUBPARAGRAPH (II) OF THIS

PARAGRAPH (e), to conduct tastings and sell vinous liquors of its own manufacture, as well as vinous liquors manufactured by other Colorado wineries, on the licensed premises of the limited winery and up to five other ~~licensed premises~~ APPROVED SALES ROOM LOCATIONS, whether included in the license at the time of the original license or by supplemental application. ~~except that no~~

(B) A LIMITED WINERY LICENSEE SHALL NOT CONDUCT retail sales ~~shall be conducted~~ from an area licensed or defined as an alternating proprietor licensed premises.

(II) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A LIMITED WINERY LICENSEE PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSED LIMITED WINERY SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE. IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN THIS SUB-SUBPARAGRAPH (A), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR

ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(C) THE STATE LICENSING AUTHORITY SHALL NOT GRANT APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE LIMITED WINERY APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.

(D) A LICENSED LIMITED WINERY THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LIMITED WINERY LICENSEE SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(E) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED LIMITED WINERY APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(F) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE LICENSED LIMITED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

SECTION 5. In Colorado Revised Statutes, 12-47-406, **amend** (1) (b) as follows:

12-47-406. Wholesaler's license. (1) (b) (I) A wholesaler's beer license shall be issued to persons selling malt liquors at wholesale who designate to the state licensing authority on their application the territory within which the licensee may sell the designated products of any brewer as agreed upon by the licensee and the brewer of such products for the

following purposes only:

(H) (A) To maintain and operate warehouses and one ~~salesroom~~ SALES ROOM in this state to handle malt liquors to be denominated a wholesale beer store;

(H) (B) To take orders for malt liquors at any place within the territory designated on the license application and deliver malt liquors on orders previously taken to any place within the designated geographical territory, if the licensee has procured a wholesaler's beer license and the place where orders are taken and delivered is a place regularly licensed pursuant to the provisions of this article.

(II) (A) PRIOR TO OPERATING A SALES ROOM AS AUTHORIZED BY THIS PARAGRAPH (b), A WHOLESALER'S BEER LICENSEE THAT IS LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE WHOLESALER'S BEER LICENSEE SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY. IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN FORTY-FIVE DAYS AFTER SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A

MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(C) A WHOLESALER'S BEER LICENSEE THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ITS SALES ROOM. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL WHOLESALER'S BEER LICENSEE SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(D) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A WHOLESALER'S BEER LICENSEE APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(E) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE WHOLESALER'S BEER LICENSEE DOES NOT SELL AND SERVE MALT LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES.

SECTION 6. Appropriation. For the 2015-16 state fiscal year, \$3,060 is appropriated to the department of revenue for use by the liquor and tobacco enforcement division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3)

of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications for sales rooms submitted on or after the applicable effective date of this act.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

LEGISPEAK
HB15-1043

FELONY OFFENSE FOR REPEAT DUI OFFENDERS

ACTIVE

House Sponsors

Saine (R)
McCann (D)

Senate Sponsors

Cooke (R)
Johnston (D)

For a complete list of sponsors, see the bill text at: All Text Versions

CONCERNING PENALTIES FOR DUI OFFENDERS.

Under current law, a DUI, DUI per se, or DWAI is a misdemeanor offense. The bill makes such an offense a class 4 felony if the violation occurred: (1) After 3 or more prior convictions for DUI, DUI per se, or DWAI; vehicular homicide; vehicular assault; or any combination thereof; or (2) not more than 7 years after the first of 2 prior convictions for DUI, DUI per se, or DWAI; vehicular homicide; vehicular assault; or any combination thereof, if the violation included at least one of the following circumstances:

- One or more persons less than 18 years of age were present in the person's vehicle at the time of the violation;
- In committing the violation, the person caused damage or injury to any property or persons;
- After committing the violation, the person fled the scene; or
- At the time of the violation, or within 2 hours after the violation, the person's BAC was 0.15 or higher.

Under current law, aggravated driving with a revoked license is a class 6 felony. The bill changes the penalty to a class 1 misdemeanor but requires a sentencing court to ensure that an offender spends a minimum of 60 days in the custody of a county jail.

Under current law, a person whose privilege to drive was revoked for multiple convictions for any combination of a DUI, DUI per se, or DWAI must hold an interlock-restricted license for at least one year following reinstatement prior to being eligible to obtain any other driver's license. The bill expands this period to a minimum of 2 years and a maximum of 5 years.

The bill repeals provisions relating to the crime of aggravated driving with a revoked license when the offender also commits DUI, DUI per se, or DWAI as part of the same criminal episode.

The bill makes conforming amendments.

House Committees

House Appropriations

House Finance

House Judiciary

Senate Committees

Senate Appropriations

Senate Finance

Senate Judiciary

Latest update: May 18, 2015

05/18/2015 Sent to the Governor

05/18/2015 Signed by the President of the Senate

05/14/2015 Signed by the Speaker of the House

05/06/2015 Senate Third Reading Passed - No Amendments

05/05/2015 Senate Second Reading Passed - No Amendments

05/01/2015 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole

04/30/2015 Senate Committee on Finance Refer Unamended to Appropriations

04/28/2015 Senate Committee on Judiciary Refer Unamended to Finance

04/17/2015 Introduced In Senate - Assigned to Judiciary + Appropriations

04/15/2015 House Third Reading Passed - No Amendments

04/14/2015 House Second Reading Passed with Amendments - Committee

04/13/2015 House Second Reading Laid Over Daily - No Amendments

04/10/2015 House Committee on Appropriations Refer Amended to House Committee of the Whole

03/25/2015 House Committee on Finance Refer Amended to Appropriations

02/05/2015 House Committee on Judiciary Refer Amended to Finance

01/07/2015 Introduced In House - Assigned to Judiciary + Appropriations

Current Text:

Current Text

Other Text Versions:

All Text Versions

Legislative History:

Legislative History

Fiscal Notes:

FN1 - 2/4/2015

FN2 - 3/23/2015

FN3 - 3/26/2015

FN4 - 4/20/2015

JBC Staff Analyses:

SA1 - 4/10/2015

SA2 - 5/1/2015

Committee Reports:

CR1 - 2/9/2015

CR2 - 3/26/2015

CR3 - 4/10/2015

CR4 - 4/29/2015

CR5 - 4/30/2015

CR6 - 5/1/2015

Committee Votes:

Committee Votes

3rd Reading Votes:

H-4/15/2015

S-5/6/2015

Suggested City of Boulder licensing procedures for reinstatement of expired liquor licenses:

- 1) City licensing will receive reinstatement applications pending BLA's final acceptance with such acceptance to be decided at the BLA hearing.
- 2) City licensing will schedule the application for the next available BLA hearing.
- 3) At the hearing, the BLA will deliberate on: i) if the BLA will accept the reinstatement application for processing or will require a new application, ii) if the BLA accepts the reinstatement, collection of all fees including the \$25 a day fee, and iii) if the BLA accepts the reinstatement application, then action to continue (perhaps without alcohol service allowed per BLA rules), approval or denial of the application.

Local licensing authority input within 45 days of receipt on new applications for breweries, wineries and distilleries in City of Boulder:

- 1) Such applications will be put on the next available BLA agenda.
- 2) The new and improved zoning form will be sent to Chris Toebe for response - we will want the form to answer whether the proposed location is zoned for the business.
- 3) City licensing should send out hearing notice cards to solicit written input from, say 600 foot radius of proposed locations. The written information should key on issues for traffic, noise or other neighborhood concerns. This written information should be supplied to the BLA and they will discuss under agenda item Matters from the Licensing Clerk as to whether they will provide a recommendation for approval or denial for the subject application to the state.