

NOTE: The governor signed this measure on 3/31/2016.

An Act

HOUSE BILL 16-1151

BY REPRESENTATIVE(S) Pabon, Nordberg, Rosenthal, Singer, Fields, Lontine, Mitsch Bush, Becker K., Kraft-Tharp, Vigil;
also SENATOR(S) Holbert, Jahn, Crowder, Garcia, Grantham, Heath, Merrifield, Scheffel, Sonnenberg, Woods.

CONCERNING THE EXPANSION OF PENALTY MITIGATION UNDER THE ALCOHOL BEVERAGE LAWS FOR VENDORS MEETING THE DEFINITION OF A "RESPONSIBLE VENDOR" AS PROVIDED BY LAW.

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

SECTION 1. In Colorado Revised Statutes, 12-47-202, **amend** (2) (a) (I) (E) as follows:

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

(E) Inspections, investigations, searches, seizures, and such activities as may become necessary from time to time, including a range of penalties for use by licensing authorities, which shall include aggravating and mitigating factors to be considered, ~~when persons under twenty-one years of age are utilized to investigate sales of alcohol beverages by liquor~~

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

~~licensees to underage persons~~ WHEN LICENSEES' EMPLOYEES VIOLATE CERTAIN PROVISIONS OF ARTICLE 46 OF THIS TITLE AND THIS ARTICLE INCLUDING THE SALE OR SERVICE OF ALCOHOL BEVERAGES TO PERSONS UNDER TWENTY-ONE YEARS OF AGE OR TO VISIBLY INTOXICATED PERSONS;

SECTION 2. In Colorado Revised Statutes, 12-47-601, **amend** (9) as follows:

12-47-601. Suspension - revocation - fines. (9) When penalizing a vendor who has violated ~~section 12-47-901 (1) (a) by serving a minor during an underage compliance check~~ PROVISIONS OF ARTICLE 46 OF THIS TITLE AND THIS ARTICLE THAT PROHIBIT THE SERVICE OF AN ALCOHOL BEVERAGE TO A MINOR OR A VISIBLY INTOXICATED PERSON, state and local licensing authorities shall consider it a mitigating factor if the vendor is a responsible alcohol beverage vendor as defined by part 10 of this article. IN ADDITION, THE STATE LICENSING AUTHORITY BY RULE MAY INCLUDE OTHER VIOLATIONS OF ARTICLE 46 OF THIS TITLE AND THIS ARTICLE THAT LICENSING AUTHORITIES SHALL CONSIDER FOR MITIGATION IF THE VENDOR QUALIFIES AS A RESPONSIBLE ALCOHOL BEVERAGE VENDOR.

SECTION 3. 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 10, 2016, if adjournment sine die is on May 11, 2016); 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 violations of articles 46 and 47 of title 12,

Colorado Revised Statutes, occurring 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

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO