A BILL FOR AN ACT

Concerning the Ability of a Minor to Operate a Business on a Limited Basis Without Obtaining the Approval of a Local Government.

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 prohibits any county, municipality, or city and county (local government) or any agency of a local government from requiring a license or permit for a business that is:

1. Operated on an occasional basis by a minor (a person under the age of 18 years); 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.
Located a sufficient distance from a commercial entity, determined by the local government, that is required to obtain a permit or license from the local government or an agency of the local government to prevent the minor's business from becoming a direct economic competitor of the commercial entity.

The bill defines "occasional basis" to mean the business does not operate more than 84 days in any one calendar year.

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

SECTION 1. In Colorado Revised Statutes, add article 11.3 to title 29 as follows:

ARTICLE 11.3

Businesses Operated by Minors

29-11.3-101. Definitions. As used in this Article 11.3, unless the context otherwise requires:

(1) "Business" means any enterprise carried on for the purpose of gain or economic profit; except that the act of employees rendering services to employers are not included in this definition.

(2) "Local government" means any county, municipality, or city and county.

(3) "Minor" means a person under the age of eighteen years.

(4) "Occasional basis" means a business that does not operate more than eighty four days in any one calendar year.

29-11.3-102. Restrictions on licenses or permits - businesses operated by a minor - legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In the absence of common sense relief, laws imposed
AND ADMINISTERED AT THE LOCAL LEVEL REQUIRING BUSINESSES TO
OBTAIN PERMITS OR LICENSES TO OPERATE, WITH THE DISTINCT
POSSIBILITY OF CRIMINAL OR CIVIL PENALTIES FOR NONCOMPLIANCE, MAY
BE USED TO ENSNARE MINORS WANTING TO OPERATE SMALL-SCALE
BUSINESSES ON A VERY LIMITED BASIS; AND

(b) THESE LAWS IMPOSE INORDINATE AND HEAVY-HANDED
REGULATORY BURDENS ON MINOR ENTREPRENEURS WHO ARE NOT SEEKING
TO COMPETE WITH FULLY ESTABLISHED COMMERCIAL ENTITIES OPERATED
BY ADULTS, FRUSTRATE AND THWART ENTREPRENEURIAL ACTIVITY
MINORS HAVE UNDERTAKEN FROM THE FOUNDING OF THE REPUBLIC AS A
MEANS TO LEARN ABOUT BUSINESS AND ECONOMIC PRINCIPLES AND TO
MAKE MONEY, AND DIVERT LAW ENFORCEMENT RESOURCES OF LOCAL
GOVERNMENTS FROM INVESTIGATING AND PROSECUTING MORE SERIOUS
CRIMINAL OR CIVIL MATTERS.

(2) BY ENACTING THIS ARTICLE 11.3, THE GENERAL ASSEMBLY
INTENDS TO PROVIDE A UNIFORM BAN ON THE IMPOSITION AND
ADMINISTRATION OF SUCH LICENSING AND PERMITTING LAWS ACROSS THE
STATE, AVOID THE INCONSISTENT APPLICATION OF LICENSING AND
PERMITTING LAWS DEPENDING UPON THE POLITICAL SUBDIVISION IN WHICH
A MINOR’S BUSINESS IS BEING OPERATED, AND GIVE EVERY MINOR
ENTREPRENEUR ACROSS THE STATE AN EVEN PLAYING FIELD WITHIN
WHICH TO GAIN PRACTICAL EXPERIENCE IN BUSINESS AND ECONOMIC
MATTERS AND AN OPPORTUNITY TO MAKE MONEY BY OPERATING A
BUSINESS ON A LIMITED BASIS THAT DOES NOT INTEND TO COMPETE WITH
PERMANENT, ONGOING COMMERCIAL ENTITIES OPERATED BY ADULTS.
TOWARD THIS END, THE GENERAL ASSEMBLY FURTHER DECLARES THAT
THE MATTERS DISCUSSED IN THIS SECTION ARE MATTERS OF STATEWIDE
CONCERN. NOTWITHSTANDING THE ENACTMENT OF THIS ARTICLE 11.3 AND
THE PROTECTIONS IT AFFORDS MINOR ENTREPRENEURS, THE GENERAL
ASSEMBLY ENCOURAGES MINOR ENTREPRENEURS TO UNDERSTAND THAT,
IN ORDER TO SUCCESSFULLY COMPETE AS ADULTS IN THE BUSINESS
WORLD, THEY WILL NEED TO FULLY COMPLY WITH THE EXISTING
REGULATORY AND LEGAL ENVIRONMENT.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL
GOVERNMENT OR ANY AGENCY OF A LOCAL GOVERNMENT SHALL NOT
REQUIRE A LICENSE OR PERMIT FOR A BUSINESS THAT IS:
(a) OPERATED ON AN OCCASIONAL BASIS BY A MINOR; AND
(b) LOCATED A SUFFICIENT DISTANCE FROM A COMMERCIAL
ENTITY, DETERMINED BY THE LOCAL GOVERNMENT, THAT IS REQUIRED TO
OBTAIN A PERMIT OR LICENSE FROM THE LOCAL GOVERNMENT OR AN
AGENCY OF THE LOCAL GOVERNMENT TO PREVENT THE MINOR'S BUSINESS
FROM BECOMING A DIRECT ECONOMIC COMPETITOR OF THE COMMERCIAL
ENTITY.

(4) NOTHING IN THIS ARTICLE 11.3 PROHIBITS A LOCAL
GOVERNMENT FROM ENACTING AND ENFORCING LOCAL LAWS UNDER THE
LOCAL GOVERNMENT'S GENERAL POLICE POWER IN REGARD TO THE
MANNER IN WHICH A BUSINESS MAY BE CONDUCTED BY A MINOR WITH THE
EXCEPTION OF A REQUIREMENT THAT THE MINOR OBTAIN A PERMIT OR
LICENSE PRIOR TO ENGAGING IN THE BUSINESS.

SECTION 2. Applicability. This act applies to minors'
businesses operating 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, and safety.