SENATE BILL 20-086

A BILL FOR AN ACT

CONCERNING REQUIREMENTS ASSOCIATED WITH THE EXPIRATION OF
LEGAL AUTHORITY TO SELL ALCOHOL BEVERAGES, AND, IN
CONNECTION THERewith, AUTHORIZING THE EXECUTIVE
DIRECTOR OF THE DEPARTMENT OF REVENUE TO NOTIFY
ALCOHOL BEVERAGE LICENSEES OF AN EXPIRING LICENSE BY
ANY REASONABLE MEANS AS DETERMINED BY RULE AND TO
ESTABLISH A FEE FOR RENEWAL APPLICATIONS FOR LICENSE OR
PERMIT RENEWALS FOR ALCOHOL BEVERAGES AND FERMENTED
MALT BEVERAGES.

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
Current law requires the executive director of the department of revenue to notify by first-class mail an alcohol beverage licensee of the license expiration date. The bill authorizes the executive director to use any reasonable method to notify licensees, but the executive director must promulgate rules governing the notice.

The bill also authorizes the executive director to set and collect a fee for applications for license or permit renewals for both alcohol beverages and fermented malt beverages.

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

SECTION 1. In Colorado Revised Statutes, 44-3-302, amend (1) as follows:

44-3-302. License renewal - rules. (1) (a) Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first-class mail at the business’ last-known address. The state licensing authority shall promulgate rules setting the procedure to notify a licensee in accordance with this subsection (1)(a).

(b) Application For the renewal of an existing license, the licensee must apply to the local licensing authority not less than forty-five days and to the state licensing authority not less than thirty days prior to the date of expiration. No application for renewal of a license shall be accepted by the local licensing authority after the date of expiration, except as provided in subsection (2) of this section. Filing with the local licensing authority shall be deemed filing with the state and licensing authority. The state licensing authority shall
PROCESS all renewals RENEWAL APPLICATIONS THAT ARE filed with the local licensing authorities prior to BEFORE THE expiration DATE and subsequently approved shall be processed by the state licensing authority, and SHALL EXTEND the expiration date is extended until the state license is processed APPLICATION PROCESS IS COMPLETED. The state or the local licensing authority, for good cause, may waive the forty-five- or thirty-day time requirements set forth in this subsection (1) SUBSECTION (1)(b).

(c) The local licensing authority may cause HOLD a hearing on the application for renewal, to be held. No renewal hearing provided for by this subsection (1) shall be held by the local licensing authority BUT NOT until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to BEFORE the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review. Any THE STATE LICENSING AUTHORITY SHALL HOLD ANY renewal hearing held by the state licensing authority shall be pursuant to IN ACCORDANCE WITH section 44-3-305 (2).

SECTION 2. In Colorado Revised Statutes, 44-3-501, amend (3)(a)(XVII); and add (3)(a)(XVIII) as follows:

44-3-501. State fees. (3) (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:

(XVII) Applications for manager's permits pursuant to section 44-3-427; AND

(XVIII) APPLICATIONS FOR THE RENEWAL OF A LICENSE OR PERMIT ISSUED IN ACCORDANCE WITH THIS ARTICLE 3.
SECTION 3. In Colorado Revised Statutes, 44-4-105, amend (1)(a) as follows:

44-4-105. Fees and taxes - allocation. (1) (a) (I) 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:

(A) Applications for new fermented malt beverage licenses pursuant to section 44-3-301 and rules thereunder;

(B) Applications for change of location pursuant to section 44-3-301 and rules thereunder;

(C) Applications for changing, altering, or modifying licensed premises pursuant to section 44-3-301 and rules thereunder;

(D) Applications for duplicate licenses; and

(E) Notices of change of name or trade name pursuant to section 44-3-301 and rules thereunder; AND

(F) APPLICATIONS FOR THE RENEWAL OF A LICENSE OR PERMIT ISSUED IN ACCORDANCE WITH THIS ARTICLE 4.

(II) The amounts of such fees, when added to the other fees and taxes transferred to the liquor enforcement division and state licensing authority cash fund pursuant to subsection (2) of this section and section 44-3-502 (1), THE STATE LICENSING AUTHORITY SHALL SET THE AMOUNTS OF THE FEES IMPOSED UNDER THIS SUBSECTION (1)(a) TO REFLECT THE DIRECT AND INDIRECT COSTS OF THE LIQUOR ENFORCEMENT DIVISION AND THE STATE LICENSING AUTHORITY IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE 4 AND ARTICLES 3 AND 5 OF THIS TITLE 44. AT LEAST ANNUALLY, THE AMOUNTS OF THE FEES SHALL BE REVIEWED AND, IF NECESSARY, ADJUSTED TO REFLECT THESE DIRECT AND INDIRECT COSTS.
SECTION 4. 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, 2020, if adjournment sine die is on May 6, 2020); 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 2020 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 notices provided and license and permit renewal applications submitted on or after the applicable effective date of this act.