

CHAPTER 81

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 97-1078

BY REPRESENTATIVES McElhany, Gotlieb, May, and Saliman;
also SENATORS Tebedo and Bishop.

AN ACT

CONCERNING THE AUTHORITY TO CONSUME ALCOHOLIC BEVERAGES WHILE ABOARD CERTAIN MOTOR VEHICLES.

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

SECTION 1. 12-47-128 (1) (h), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47-128. Unlawful acts - gambling - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (I) To consume malt, vinous, or spirituous liquor in any public place except on any licensed premises permitted under this article to sell such liquor by the drink for consumption thereon; to consume any malt, vinous, or spirituous liquors upon any premises licensed to sell liquor for consumption on the licensed premises, the sale of which is not authorized by the state licensing authority; to consume malt, vinous, or spirituous liquor at any time on such premises other than such liquor as is purchased from such establishment; or to consume malt, vinous, or spirituous liquor in any public room on such premises during such hours as the sale of such liquor is prohibited under this article;

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (h), IT SHALL NOT BE UNLAWFUL FOR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE TO CONSUME MALT, VINOUS, OR SPIRITUOUS LIQUORS WHILE SUCH PERSON IS A PASSENGER ABOARD A LUXURY LIMOUSINE, AS DEFINED IN SECTION 40-16-101 (3), C.R.S., OR A CHARTER OR SCENIC BUS, AS DEFINED IN SECTION 40-16-101 (1), C.R.S. NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO AUTHORIZE AN

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

OWNER OR OPERATOR OF A LUXURY LIMOUSINE OR CHARTER OR SCENIC BUS TO SELL OR DISTRIBUTE MALT, VINOUS, OR SPIRITUOUS LIQUORS WITHOUT OBTAINING A PUBLIC TRANSPORTATION SYSTEM LICENSE PURSUANT TO SECTION 12-47-122.

SECTION 2. Effective date. This act shall take effect upon the expiration of the period allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, unless a referendum is filed against this act within such period, in which case this act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 8, 1997