

CHAPTER 262

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 00-1420

BY REPRESENTATIVES McElhany, Fairbank, Lee, May, McKay, and Spradley;
also SENATORS Wattenberg, Chlouber, and Hernandez.

AN ACT

CONCERNING LIQUOR LICENSES FOR RESORT COMPLEX FACILITIES.

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

SECTION 1. 12-47-103 (28), Colorado Revised Statutes, is amended to read:

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

(28) "Resort complex" means a hotel with AT LEAST FIFTY SLEEPING ROOMS AND THAT HAS related sports and recreational facilities for the convenience of its guests or the general public located contiguous or adjacent to the hotel. FOR PURPOSES OF A RESORT COMPLEX ONLY, "CONTIGUOUS OR ADJACENT" MEANS WITHIN THE OVERALL BOUNDARIES OR SCHEME OF DEVELOPMENT OR REGULARLY ACCESSIBLE FROM THE HOTEL BY ITS MEMBERS AND GUESTS.

SECTION 2. 12-47-411 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-411. Hotel and restaurant license. (1) Except as otherwise provided in subsection (2) of this section, a hotel and restaurant license shall be issued to persons selling malt, vinous, and spirituous liquors in the place where such liquors are to be consumed, subject to the following restrictions:

(d) A HOTEL MAY BE DESIGNATED AS A RESORT COMPLEX IF IT HAS AT LEAST FIFTY SLEEPING ROOMS AND HAS RELATED SPORTS AND RECREATIONAL FACILITIES LOCATED CONTIGUOUS OR ADJACENT TO THE HOTEL FOR THE CONVENIENCE OF ITS GUESTS OR THE GENERAL PUBLIC. FOR PURPOSES OF A RESORT COMPLEX ONLY, "CONTIGUOUS OR ADJACENT" MEANS WITHIN THE OVERALL BOUNDARIES OR SCHEME OF DEVELOPMENT

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

OR REGULARLY ACCESSIBLE FROM THE HOTEL BY ITS MEMBERS AND GUESTS.

SECTION 3. 12-47-411 (2), Colorado Revised Statutes, is amended to read:

12-47-411. Hotel and restaurant license. (2) (a) ~~Effective January 1, 1997, a hotel and restaurant licensee operating a licensed brewery shall automatically be issued a brew pub license pursuant to section 12-47-415.~~ A RESORT COMPLEX SHALL DESIGNATE ITS PRINCIPAL LICENSED PREMISES AND ADDITIONAL SEPARATE, RELATED FACILITIES THAT ARE LOCATED CONTIGUOUS OR ADJACENT TO THE LICENSED PREMISES OF THE RESORT COMPLEX. EACH RELATED FACILITY SHALL BE IDENTIFIED BY THE RESORT COMPLEX AT THE TIME OF INITIAL LICENSURE OR UPON LICENSE RENEWAL. EACH RELATED FACILITY SHALL ALSO BE CLEARLY IDENTIFIED BY ITS GEOGRAPHIC LOCATION WITHIN THE OVERALL BOUNDARIES OF THE LICENSED PREMISES OF THE RESORT COMPLEX. A RESORT COMPLEX MAY APPLY FOR A RESORT-COMPLEX-RELATED FACILITY PERMIT FOR EACH RELATED FACILITY AT THE TIME OF INITIAL LICENSURE, UPON LICENSE RENEWAL, OR AT ANY TIME UPON APPLICATION BY THE RESORT COMPLEX.

(b) CUSTOMERS AND GUESTS WHO PURCHASE ALCOHOL BEVERAGES AT ONE RELATED FACILITY ARE PERMITTED TO CARRY SUCH BEVERAGES TO OTHER RELATED FACILITIES WITHIN THE OVERALL LICENSED PREMISES BOUNDARIES OF THE RESORT COMPLEX.

(c) EACH RELATED FACILITY SHALL REMAIN AT ALL TIMES UNDER THE OWNERSHIP AND CONTROL OF THE RESORT COMPLEX LICENSEE. ANY SUBLETTING OR TRANSFER OF OWNERSHIP OR CHANGE OF CONTROL OF A RELATED FACILITY WITHOUT PROPER NOTIFICATION AND APPROVAL BY STATE AND LOCAL LICENSING AUTHORITIES SHALL BE CONSIDERED A VIOLATION OF THIS ARTICLE AND WILL BE CAUSE FOR THE DENIAL, SUSPENSION, REVOCATION, OR CANCELLATION OF THE LICENSE OF THE ENTIRE RESORT COMPLEX, INCLUDING ALL OF ITS RELATED FACILITIES, PURSUANT TO SECTION 12-47-601.

(d) EXCEPT AS PROVIDED IN THIS SUBSECTION (2), FOR VIOLATIONS OF SECTION 12-47-307, AND FOR VIOLATIONS OF THIS ARTICLE AND REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE THAT ARE INTENTIONALLY AUTHORIZED BY THE OWNERSHIP OR MANAGEMENT OF A RESORT COMPLEX, EACH RELATED FACILITY SHALL BE CONSIDERED SEPARATELY LICENSED OR PERMITTED FOR THE PURPOSE OF APPLICATION OF THE SANCTIONS IMPOSED UNDER SECTION 12-47-601.

(e) FOR PURPOSES OF THIS SECTION, "RELATED FACILITY" MEANS THOSE AREAS, AS APPROVED BY THE STATE AND LOCAL LICENSING AUTHORITIES, THAT ARE CONTIGUOUS OR ADJACENT TO THE RESORT HOTEL AND THAT ARE OWNED BY OR UNDER THE EXCLUSIVE POSSESSION AND CONTROL OF THE RESORT COMPLEX LICENSEE. RELATED FACILITIES SHALL INCLUDE:

(I) THOSE INDOOR AREAS OR FACILITIES CONTIGUOUS OR ADJACENT TO THE LICENSED PREMISES OF THE RESORT COMPLEX THAT ARE OPERATED UNDER A SEPARATE TRADE NAME AND ARE USED BY RESORT COMPLEX PATRONS;

(II) RELATED OUTDOOR SPORTS AND RECREATION FACILITIES LOCATED CONTIGUOUS OR ADJACENT TO THE RESORT COMPLEX THAT ARE USED BY PATRONS OF

THE RESORT COMPLEX FOR A FEE; AND

(III) DISTINCT AREAS OR FACILITIES CONTIGUOUS OR ADJACENT TO THE RESORT COMPLEX THAT ARE DIRECTLY RELATED TO THE RESORT COMPLEX USE.

SECTION 4. 12-47-501 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-501. State fees. (1) The following license fees shall be paid to the department of revenue annually in advance:

(h.5) FOR EACH RESORT-COMPLEX-RELATED FACILITY PERMIT, FIFTY DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411 (2) (e).

SECTION 5. 12-47-505 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-505. Local license fees. (1) The following license fees shall be paid to the treasurer of the municipality, city and county, or county where the licensed premises is located annually in advance:

(n) FOR EACH RESORT-COMPLEX-RELATED FACILITY PERMIT, ONE HUNDRED DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411 (2) (e).

SECTION 6. 12-47-601 (1) and (2), the introductory portion to 12-47-601 (3) (a), and 12-47-601 (3) (a) (III), Colorado Revised Statutes, are amended to read:

12-47-601. Suspension - revocation - fines. (1) In addition to any other penalties prescribed by this article or article 46 or 48 of this title, the state or any local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license OR PERMIT issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the provisions of this article, or any of the rules or regulations authorized pursuant to this article or of any of the terms, conditions, or provisions of the license OR PERMIT issued by such authority. Any licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.

(2) Notice of suspension or revocation, as well as any required notice of such hearing, shall be given by mailing the same in writing to the licensee at the address contained in such license OR PERMIT. No such suspension shall be for a longer period than six months. If any license OR PERMIT is suspended or revoked, no part of the fees paid therefor shall be returned to the licensee. Any license OR PERMIT may be summarily suspended by the issuing licensing authority without notice pending any prosecution, investigation, or public hearing. Nothing in this section shall prevent the summary suspension of such license OR PERMIT for a temporary period of not more than fifteen days.

(3) (a) Whenever a decision of the state or any local licensing authority suspending

a license OR PERMIT for fourteen days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license OR PERMIT suspended for all or part of the suspension period. Upon the receipt of the petition, the state or the local licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(III) That the licensee has not had his or her license OR PERMIT suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license OR PERMIT.

SECTION 7. Applicability. This act shall apply to all hotel and restaurant liquor licenses for resort complexes applied for or renewed on or after the effective date of this act.

SECTION 8. 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.

Approved: May 26, 2000