

## CHAPTER 192

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**PROFESSIONS AND OCCUPATIONS**

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SENATE BILL 02-207

BY SENATOR(S) Hagedorn;  
also REPRESENTATIVE(S) Stengel.**AN ACT****CONCERNING ALCOHOL BEVERAGE LICENSING, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 12-46-104 (1) (a), (1) (b), (1) (c), (1) (d) (I), and (1) (d) (II), Colorado Revised Statutes, are amended to read:**12-46-104. Licenses - state license fees - requirements.** (1) The licenses to be granted and issued by the state licensing authority pursuant to this article for the manufacture, importation, and sale of fermented malt beverages shall be as follows:

(a) A manufacturer's license shall be granted and issued to any person, partnership, association, organization, or corporation qualifying under section 12-47-301 and not prohibited from licensure under section 12-47-307 to manufacture and sell fermented malt beverages upon the payment of an annual license fee of one hundred ~~twenty-five~~ FIFTY dollars to the state licensing authority. A manufacturer so licensed may have additional warehouses in the state upon payment of the wholesaler's license fee as provided in this section.

(b) A wholesaler's license shall be granted and issued to any person, partnership, association, organization, or corporation qualifying under section 12-47-301 and not prohibited from licensure under section 12-47-307 to sell fermented malt beverages upon the payment of an annual license fee of one hundred ~~twenty-five~~ FIFTY dollars to the state licensing authority. Each wholesaler's license application shall designate the territory within which the licensee may sell the designated products of any manufacturer, as agreed upon by the licensee and the manufacturer of such products.

(c) A retailer's license shall be granted and issued to any person, partnership,

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

association, organization, or corporation qualifying under section 12-47-301 and not prohibited from licensure under section 12-47-307 to sell at retail the said fermented malt beverages upon paying an annual license fee of ~~fifty~~ SEVENTY-FIVE dollars to the state licensing authority.

(d) (I) A nonresident manufacturer's license shall be granted and issued to any person manufacturing fermented malt beverages outside of the state of Colorado for the sole purposes listed in subparagraph (III) of this paragraph (d), upon the payment of an annual license fee of one hundred ~~twenty-five~~ FIFTY dollars to the state licensing authority.

(II) An importer's license shall be granted and issued to any person importing fermented malt beverages into this state for the sole purposes listed in subparagraph (III) of this paragraph (d), upon the payment of an annual license fee of one hundred ~~twenty-five~~ FIFTY dollars to the state licensing authority.

**SECTION 2.** 12-46-105 (1) (a), (2) (b), and (2) (c), Colorado Revised Statutes, are amended to read:

**12-46-105. Fees and taxes - allocation.** (1) (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: Applications for new fermented malt beverage licenses pursuant to section 12-47-301 and regulations thereunder; applications for change of location pursuant to section 12-47-301 and regulations thereunder; applications for changing, altering, or modifying licensed premises pursuant to section 12-47-301 and regulations thereunder; applications for warehouse or branch house permits pursuant to section 12-46-104 and regulations thereunder; applications for duplicate licenses; and notices of change of name or trade name pursuant to section 12-47-301 and regulations thereunder. 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 12-47-502 (1), shall reflect the direct and indirect costs of the LIQUOR ENFORCEMENT division AND THE STATE LICENSING AUTHORITY in the administration and enforcement of this article and articles 47 and 48 of this title. At least annually, the amounts of the fees shall be reviewed and, if necessary, adjusted to reflect such direct and indirect costs.

(2) (b) An amount equal to the revenues attributable to ~~twenty-five~~ FIFTY dollars of each state license fee provided for by this article and the processing fees provided for by paragraphs (a) and (b) of subsection (1) of this section shall be transferred out of the general fund to the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund. Such transfer shall be made by the state treasurer as soon as possible after the twentieth day of the month following the payment of such fees.

(c) The expenditures of the state licensing authority ~~shall be paid out of appropriations made to the department of revenue by the general assembly. The expenditures of~~ AND the LIQUOR ENFORCEMENT division shall be paid out of appropriations from the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund as provided in section 24-35-401, C.R.S.

**SECTION 3.** 12-47-501 (1) and (2), Colorado Revised Statutes, are amended to

read:

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

(a) For each resident and nonresident manufacturer's license, the fee shall be:

(I) For each brewery, ~~two hundred seventy-five~~ THREE HUNDRED dollars;

(II) For each winery, ~~two hundred seventy-five~~ THREE HUNDRED dollars;

(III) For each distillery or rectifier, one thousand ~~twenty-five~~ FIFTY dollars;

(IV) For each limited winery, ~~forty-five~~ SEVENTY dollars;

(b) For each importer's license, ~~two hundred seventy-five~~ THREE HUNDRED dollars;

(c) For each wholesaler's liquor license, one thousand ~~twenty-five~~ FIFTY dollars;

(d) For each wholesaler's beer license, five hundred ~~twenty-five~~ FIFTY dollars;

(e) For each retail liquor store license, ~~seventy-five~~ ONE HUNDRED dollars;

(f) For each liquor-licensed drugstore license, ~~seventy-five~~ ONE HUNDRED dollars;

(g) For each beer and wine license, ~~fifty~~ SEVENTY-FIVE dollars;

(h) For each hotel and restaurant license, ~~fifty~~ SEVENTY-FIVE dollars;

(h.5) For each resort-complex-related facility permit, ~~fifty~~ SEVENTY-FIVE dollars per related facility as defined in section 12-47-411 (2) (e);

(i) For each tavern license, ~~fifty~~ SEVENTY-FIVE dollars;

(j) For each optional premises license, ~~fifty~~ SEVENTY-FIVE dollars;

(k) For each retail gaming tavern license, ~~fifty~~ SEVENTY-FIVE dollars;

(l) For each brew pub license, three hundred TWENTY-FIVE dollars;

(m) For each club license, ~~fifty~~ SEVENTY-FIVE dollars;

(n) For each arts license, ~~fifty~~ SEVENTY-FIVE dollars;

(o) For each racetrack license, ~~fifty~~ SEVENTY-FIVE dollars;

(p) For each public transportation system license, ~~fifty~~ SEVENTY-FIVE dollars for each dining, club, or parlor car; plane; bus; or other vehicle in which such liquor is sold. No additional license fee shall be required by any municipality, city and county, or county for the sale of such liquor in dining, club, or parlor cars; planes; buses; or other conveyances.

(q) For each bed and breakfast permit, ~~twenty-five~~ FIFTY dollars.

(2) 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: Applications for new liquor licenses pursuant to section 12-47-304 and regulations thereunder; applications to change location pursuant to section 12-47-301 (9) and regulations thereunder; applications for transfer of ownership pursuant to section 12-47-303 (1) (c) and regulations thereunder; applications for modification of licensed premises pursuant to section 12-47-301 and regulations thereunder; applications for branch warehouse permits pursuant to section 12-47-406 and regulations thereunder; applications for approval of a contract to sell alcohol beverages pursuant to section 12-47-411 (3) (c); applications for warehouse storage permits pursuant to section 12-47-202 and regulations thereunder; applications for duplicate licenses; applications for wine shipment permits pursuant to section 12-47-104; sole source registrations or new product registrations pursuant to section 12-47-901 (3) (b); hotel and restaurant optional premises registrations; expired license renewal applications pursuant to section 12-47-302; and notice of change of name or trade name pursuant to section 12-47-301 and regulations thereunder. The amounts of such fees, when added to the other fees transferred to the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund pursuant to sections 12-46-105, 12-47-502 (1), and 12-48-104, shall reflect the direct and indirect costs of the LIQUOR ENFORCEMENT division AND THE STATE LICENSING AUTHORITY in the administration and enforcement of this article and articles 46 and 48 of this title. The state licensing authority may charge corporate applicants and limited liability companies ~~up to one hundred dollars~~ LICENSED UNDER ARTICLES 46 AND 47 OF THIS TITLE A FEE for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, members, or managers pursuant to the requirements of section 12-47-307 (1); however, the state licensing authority shall not collect such a fee if the applicant has already undergone a background investigation by and paid a fee to a local licensing authority. At least annually, the amounts of the fees shall be reviewed and, if necessary, adjusted to reflect such direct and indirect costs.

**SECTION 4.** 12-47-502 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

**12-47-502. Fees and taxes - allocation.** (1) (b) An amount equal to the revenues attributable to ~~twenty-five~~ FIFTY dollars of each state license fee provided for by this article and the processing fees provided for by section 12-47-501 (2) and (3) for processing applications, reports, and notices shall be transferred out of the general fund to the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund. Such transfer shall be made by the state treasurer as soon as possible after the twentieth day of the month following the payment of such fees.

(c) The expenditures of the state licensing authority ~~shall be paid out of appropriations made to the department of revenue by the general assembly. The expenditures of~~ AND the LIQUOR ENFORCEMENT division shall be paid out of appropriations from the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund as provided in section 24-35-401, C.R.S.

**SECTION 5.** 24-35-401, Colorado Revised Statutes, is amended to read:

**24-35-401. Liquor enforcement division and state licensing authority cash fund.** There is hereby created in the state treasury the liquor enforcement division AND STATE LICENSING AUTHORITY cash fund. The fund shall consist of moneys transferred thereto in accordance with sections 12-46-105 (2) and 12-47-502 (1), C.R.S. The general assembly shall make annual appropriations from the fund for a portion of the direct and indirect costs of the liquor enforcement division AND THE STATE LICENSING AUTHORITY in the administration and enforcement of articles 46, 47, and 48 of title 12, C.R.S. Any money remaining in the fund at the end of each fiscal year which is in excess of the amount appropriated by the general assembly and a ten percent reserve shall revert to the general fund.

**SECTION 6. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S., not otherwise appropriated, to the department of revenue, for allocation to the liquor enforcement division, for the fiscal year beginning July 1, 2001, the sum of one thousand fifty dollars (\$1,050), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 7. Appropriation - adjustments to the 2002 long bill.** For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(1) The general fund appropriation to the department of revenue, executive director's office, is decreased by eighty-seven thousand six hundred sixteen dollars (\$87,616).

(2) The cash fund appropriation to the department of revenue, executive director's office, is increased by eighty-seven thousand six hundred sixteen dollars (\$87,616). Said sum shall be from the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S.

(3) The general fund appropriation to the department of revenue, liquor enforcement division, is decreased by three hundred one thousand two hundred nineteen dollars (\$301,219).

(4) The cash fund appropriation to the department of revenue, liquor enforcement division, is increased by three hundred one thousand two hundred nineteen dollars (\$301,219). Said sum shall be from the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S.

**SECTION 8. Effective date - applicability.** This act shall take effect July 1, 2002, and shall apply to licenses for which annual fees are due and payable on or after such date.

**SECTION 9. 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 28, 2002