

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 19-103

BY SENATOR(S) Williams A. and Tate, Cooke, Coram, Court, Crowder, Danielson, Fenberg, Fields, Foote, Garcia, Gardner, Ginal, Gonzales, Hisey, Holbert, Lee, Lundeen, Marble, Moreno, Pettersen, Priola, Rodriguez, Story, Todd, Winter, Woodward, Zenzinger, Bridges, Rankin, Sonnenberg; also REPRESENTATIVE(S) Coleman and Carver, Van Winkle, Arndt, Baisley, Beckman, Buck, Catlin, Geitner, Gonzales-Gutierrez, Humphrey, Landgraf, Larson, Lewis, Lontine, McKean, Neville, Ransom, Rich, Saine, Sandridge, Soper, Williams D., Wilson, Benavidez, Bird, Bockenfeld, Buckner, Buentello, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Liston, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Pelton, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman, Will, Becker.

CONCERNING THE ABILITY OF A MINOR TO OPERATE A BUSINESS ON A LIMITED BASIS WITHOUT OBTAINING THE APPROVAL OF A LOCAL GOVERNMENT.

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:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO