

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0832.01 Jery Payne x2157

SENATE BILL 20-086

SENATE SPONSORSHIP

Williams A. and Holbert, Moreno, Smallwood, Tate

HOUSE SPONSORSHIP

Snyder and McKean,

Senate Committees

Business, Labor, & Technology

House Committees

Business Affairs & Labor

HOUSE
3rd Reading Unamended
March 10, 2020

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS ASSOCIATED WITH THE EXPIRATION OF**
102 **LEGAL AUTHORITY TO SELL ALCOHOL BEVERAGES, AND, IN**
103 **CONNECTION THEREWITH, AUTHORIZING THE EXECUTIVE**
104 **DIRECTOR OF THE DEPARTMENT OF REVENUE TO NOTIFY**
105 **ALCOHOL BEVERAGE LICENSEES OF AN EXPIRING LICENSE BY**
106 **ANY REASONABLE MEANS AS DETERMINED BY RULE AND TO**
107 **ESTABLISH A FEE FOR RENEWAL APPLICATIONS FOR LICENSE OR**
108 **PERMIT RENEWALS FOR ALCOHOL BEVERAGES AND FERMENTED**
109 **MALT BEVERAGES.**

HOUSE
2nd Reading Unamended
March 9, 2020

SENATE
3rd Reading Unamended
February 4, 2020

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
February 3, 2020

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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.

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

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

4 **44-3-302. License renewal - rules.** (1) (a) Ninety days ~~prior to~~
5 BEFORE the expiration date of an existing license, the state licensing
6 authority shall notify the licensee of the expiration date by ~~first class mail~~
7 ~~at the business' last-known address~~ ANY METHOD REASONABLY LIKELY TO
8 ACTUALLY NOTIFY THE LICENSEE. THE STATE LICENSING AUTHORITY
9 SHALL PROMULGATE RULES SETTING THE PROCEDURE TO NOTIFY A
10 LICENSEE IN ACCORDANCE WITH THIS SUBSECTION (1)(a).

11 (b) ~~Application~~ For the renewal of an existing license, ~~shall be~~
12 ~~made~~ THE LICENSEE MUST APPLY to the local licensing authority not less
13 than forty-five days and to the state licensing authority not less than thirty
14 days ~~prior to~~ BEFORE the date of expiration. ~~No~~ THE LOCAL LICENSING
15 AUTHORITY SHALL NOT ACCEPT AN application for renewal of a license
16 ~~shall be accepted by the local licensing authority~~ after the date of
17 expiration, except as provided in subsection (2) of this section. ~~but~~ Filing
18 with the local licensing authority ~~shall be~~ IS deemed filing with the state
19 ~~and~~ LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL

1 PROCESS all ~~renewals~~ RENEWAL APPLICATIONS THAT ARE filed with the
2 local licensing authorities ~~prior to~~ BEFORE THE expiration DATE and
3 subsequently approved ~~shall be processed by the state licensing authority,~~
4 and SHALL EXTEND the expiration date ~~is extended~~ until the state license
5 ~~is processed~~ APPLICATION PROCESS IS COMPLETED. The state or the local
6 licensing authority, for good cause, may waive the forty-five- or
7 thirty-day time requirements set forth in this ~~subsection (1)~~ SUBSECTION
8 (1)(b).

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

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

21 **44-3-501. State fees.** (3) (a) The state licensing authority shall
22 establish fees for processing the following types of applications, notices,
23 or reports required to be submitted to the state licensing authority:

24 (XVII) Applications for manager's permits pursuant to section
25 44-3-427; AND

26 (XVIII) APPLICATIONS FOR THE RENEWAL OF A LICENSE OR PERMIT
27 ISSUED IN ACCORDANCE WITH THIS ARTICLE 3.

1 **SECTION 3.** In Colorado Revised Statutes, 44-4-105, **amend**
2 (1)(a) as follows:

3 **44-4-105. Fees and taxes - allocation.** (1) (a) (I) The state
4 licensing authority shall establish fees for processing the following types
5 of applications, notices, or reports required to be submitted to the state
6 licensing authority:

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

9 (B) Applications for change of location pursuant to section
10 44-3-301 and rules thereunder;

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

13 (D) Applications for duplicate licenses; ~~and~~

14 (E) Notices of change of name or trade name pursuant to section
15 44-3-301 and rules thereunder; AND

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

18 ~~(II) The amounts of such fees,~~ When added to the other fees and
19 taxes transferred to the liquor enforcement division and state licensing
20 authority cash fund pursuant to UNDER subsection (2) of this section and
21 section 44-3-502 (1), THE STATE LICENSING AUTHORITY shall SET THE
22 AMOUNTS OF THE FEES IMPOSED UNDER THIS SUBSECTION (1)(a) TO reflect
23 the direct and indirect costs of the liquor enforcement division and the
24 state licensing authority in the administration and enforcement of this
25 article 4 and articles 3 and 5 of this title 44. At least annually, the amounts
26 of the fees shall be reviewed and, if necessary, adjusted to reflect ~~such~~
27 THESE direct and indirect costs.

1 **SECTION 4. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly (August 5, 2020, if adjournment sine die is on May 6,
5 2020); except that, if a referendum petition is filed pursuant to section 1
6 (3) of article V of the state constitution against this act or an item, section,
7 or part of this act within such period, then the act, item, section, or part
8 will not take effect unless approved by the people at the general election
9 to be held in November 2020 and, in such case, will take effect on the
10 date of the official declaration of the vote thereon by the governor.
11 (2) This act applies to notices provided and license and permit
12 renewal applications submitted on or after the applicable effective date
13 of this act.