

CHAPTER 67

REVENUE - ACTIVITIES REGULATION

SENATE BILL 20-086

BY SENATOR(S) Williams A. and Holbert, Moreno, Smallwood, Tate;
also REPRESENTATIVE(S) Snyder and McKean.

AN ACT

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

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

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

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

(b) ~~Application~~ For the renewal of an existing license, ~~shall be made~~ THE LICENSEE MUST APPLY to the local licensing authority not less than forty-five days and to the state licensing authority not less than thirty days ~~prior to~~ BEFORE the date of expiration. ~~No~~ THE LOCAL LICENSING AUTHORITY SHALL NOT ACCEPT AN application for renewal of a license ~~shall be accepted by the local licensing authority~~ after the date of expiration, except as provided in subsection (2) of this section. ~~but~~ Filing with the local licensing authority ~~shall be~~ is deemed filing with the state ~~and~~ LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL PROCESS all ~~renewals~~ RENEWAL APPLICATIONS THAT ARE filed with the local licensing authorities ~~prior to~~ BEFORE THE EXPIRATION DATE and subsequently approved ~~shall be processed by the state licensing authority;~~ and SHALL EXTEND the expiration date ~~is extended~~

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.

until the state license is processed APPLICATION PROCESS IS COMPLETED. The state or the local licensing authority, for good cause, may waive the forty-five- or thirty-day time requirements set forth in this ~~subsection (1)~~ SUBSECTION (1)(b).

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

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

44-3-501. State fees. (3) (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:

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

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

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

44-4-105. Fees and taxes - allocation. (1) (a) (I) 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:

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

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

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

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

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

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

(II) ~~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~~ UNDER subsection (2) of this section and section 44-3-502 (1), THE STATE LICENSING AUTHORITY shall SET THE AMOUNTS OF THE FEES IMPOSED UNDER THIS SUBSECTION (1)(a) TO reflect the direct and indirect costs of the liquor enforcement division and the state licensing authority in the administration and enforcement of this article 4 and articles 3 and 5 of this title 44. At least annually, the amounts of the fees shall be reviewed and, if necessary, adjusted to reflect ~~such~~ THESE direct and indirect costs.

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

(2) This act applies to notices provided and license and permit renewal applications submitted on or after the applicable effective date of this act.

Approved: March 23, 2020