

CHAPTER 7

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 94-1111

BY REPRESENTATIVES Morrison, Berry, Dyer, Acquafresca, Agler, Anderson, Benavidez, Chlouber, Foster, June, Kaufman, Knox, Kreutz, Lawrence, Martin, May, Nichol, Reeser, Rupert, Strom, and Taylor;
also SENATORS Bishop, Casey, Cassidy, Gallagher, Groff, Hopper, Martinez, Mendez, Norton, L. Powers, R. Powers, Roberts, Tebedo, and Weissmann.

AN ACT

CONCERNING AUTHORITY FOR BED AND BREAKFAST ESTABLISHMENTS TO SERVE COMPLIMENTARY ALCOHOLIC BEVERAGES.

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

SECTION 1. 12-47-103, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(1.7) "BED AND BREAKFAST" MEANS AN OVERNIGHT LODGING ESTABLISHMENT THAT PROVIDES AT LEAST ONE MEAL PER DAY AT NO CHARGE OTHER THAN A CHARGE FOR OVERNIGHT LODGING AND DOES NOT SELL ALCOHOLIC BEVERAGES BY THE DRINK.

SECTION 2. Article 47 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47-118.5. Bed and breakfast permit. (1) IN LIEU OF A HOTEL AND RESTAURANT LICENSE, A PERSON OPERATING A BED AND BREAKFAST WITH NOT MORE THAN TWENTY SLEEPING ROOMS THAT OFFERS COMPLIMENTARY ALCOHOLIC BEVERAGES FOR CONSUMPTION ONLY ON THE PREMISES AND ONLY BY OVERNIGHT GUESTS MAY BE ISSUED A BED AND BREAKFAST PERMIT. A BED AND BREAKFAST PERMITTEE SHALL NOT SELL ALCOHOLIC BEVERAGES BY THE DRINK AND SHALL NOT SERVE ALCOHOLIC BEVERAGES FOR MORE THAN FOUR HOURS IN ANY ONE DAY.

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

(2) AN APPLICANT FOR A BED AND BREAKFAST PERMIT IS EXEMPT FROM ANY FEE OTHERWISE ASSESSABLE UNDER SECTION 12-47-123 (2) OR 12-47-135 (3) (a), BUT IS SUBJECT TO ALL OTHER FEES AND ALL OTHER REQUIREMENTS OF THIS ARTICLE.

(3) A LOCAL LICENSING AUTHORITY MAY, AT ITS OPTION, DETERMINE THAT BED AND BREAKFAST PERMITS ARE NOT AVAILABLE WITHIN ITS JURISDICTION.

(4) A BED AND BREAKFAST PERMIT MAY BE SUSPENDED OR REVOKED IN ACCORDANCE WITH SECTION 12-47-110 IF THE PERMITTEE VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE OR FAILS TRUTHFULLY TO FURNISH ANY REQUIRED INFORMATION IN CONNECTION WITH A PERMIT APPLICATION.

SECTION 3. 12-47-123 (1), Colorado Revised Statutes, 1991 Repl. Vol, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-123. State fees. (1) The following license fees shall be paid to the department of revenue annually in advance:

(l) FOR EACH BED AND BREAKFAST PERMIT, TWENTY-FIVE DOLLARS.

SECTION 4. 12-47-129 (4), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-129. Unlawful financial assistance. (4) (d) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO ANY INTEREST IN A BED AND BREAKFAST PERMIT WITH RESPECT TO ANY INTEREST IN ANY OTHER BED AND BREAKFAST PERMIT.

SECTION 5. 12-47-137 (2), Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-137. Results of investigation - decision of authorities. (2) (c) ANY PETITIONING OTHERWISE REQUIRED TO ESTABLISH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD SHALL BE WAIVED FOR A BED AND BREAKFAST PERMIT APPLICANT UNLESS THE LOCAL LICENSING AUTHORITY HAS PREVIOUSLY TAKEN AFFIRMATIVE, OFFICIAL ACTION TO RESCIND THE AVAILABILITY OF SUCH WAIVER IN ALL SUBSEQUENT CASES.

SECTION 6. 12-47-139 (1), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-139. 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:

(g) FOR EACH BED AND BREAKFAST PERMIT, TWENTY-FIVE DOLLARS.

SECTION 7. 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: March 2, 1994