

CHAPTER 58

PROFESSIONS AND OCCUPATIONS

SENATE BILL 96-058

BY SENATORS Pascoe, Linkhart, L. Powers, Tanner, and Weddig;
also REPRESENTATIVES DeGette, June, Knox, and Lyle.

AN ACT**CONCERNING DISTANCE RESTRICTIONS ON LIQUOR LICENSE REAPPLICATION.**

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

SECTION 1. 12-47-107 (3), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-47-107. Application to state licensing authority - issuance. (3) (a) No application to have a retail liquor store license, liquor-licensed drugstore license, beer and wine license, tavern license, club license, arts license, racetrack license, or hotel and restaurant license at a particular location shall be received or acted upon ~~concerning a location for which~~ IF SUCH LOCATION IS THE SAME AS OR WITHIN FIVE HUNDRED FEET OF A LOCATION FOR WHICH, within two years preceding, the appropriate licensing authority ~~has~~ refused to approve the same class of license on the ground, in whole or in part, that the licenses already granted for the particular locality were adequate for the reasonable requirements of the neighborhood and the desires of the adult inhabitants at the time of such refusal.

(b) PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO CITIES IN WHICH LIMITED GAMING IS PERMITTED PURSUANT TO SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

SECTION 2. 12-47-138 (1) (a), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-47-138. Restrictions for applications for new license. (1) No application for the issuance of any license specified in section 12-47-135 (1) shall be received or acted upon:

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

(a) (I) If SUCH APPLICATION CONCERNS A PARTICULAR LOCATION THAT IS THE SAME AS OR WITHIN FIVE HUNDRED FEET OF A LOCATION FOR WHICH, within the two years next preceding the date of the application, ~~either~~ the state or a local licensing authority ~~has~~ denied an application for the same class of license ~~at the same location~~ for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL NOT APPLY TO CITIES IN WHICH LIMITED GAMING IS PERMITTED PURSUANT TO SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

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.

Approved: April 8, 1996