

CHAPTER 90

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 97-1222

BY REPRESENTATIVES Chavez, Clarke, Grossman, Mace, Romero, Sullivant, Tate, and Veiga;
also SENATORS B. Alexander, Hernandez, Linkhart, Pascoe, and Tanner.

AN ACT

CONCERNING THE CIRCUMSTANCES UNDER WHICH A LIQUOR LICENSE APPLICATION MAY BE DENIED
WHEN THE APPLICANT PREMISES ARE LOCATED IN AN AREA WHERE LICENSES OF THE SAME CLASS
HAVE BEEN GRANTED.

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

SECTION 1. 12-47-106 (2), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47-106. Licensing - denial of licensure. (2) (a) Before granting any license, all licensing authorities shall consider, except where this article specifically provides otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions which are or may be placed upon the neighborhood by the local licensing authority. With respect to a second or additional hotel and restaurant license for the same licensee, all licensing authorities shall consider the effect on competition of the granting or disapproving of additional licenses to such licensee, and no application for a second or additional hotel and restaurant license shall be approved which would have the effect of restraining competition.

(b) A LOCAL LICENSING AUTHORITY OR THE STATE ON STATE OWNED PROPERTY MAY DENY THE ISSUANCE OF ANY NEW TAVERN OR RETAIL LIQUOR STORE LICENSE WHENEVER SUCH AUTHORITY DETERMINES THAT THE ISSUANCE OF SUCH LICENSE WOULD RESULT IN OR ADD TO AN UNDUE CONCENTRATION OF THE SAME CLASS OF LICENSE AND, AS A RESULT, REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT RESOURCES.

SECTION 2. 12-47-138, Colorado Revised Statutes, 1991 Repl. Vol., as

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

amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-47-138. Restrictions for applications for new license. (2) AN APPLICATION FOR THE ISSUANCE OF A TAVERN OR RETAIL LIQUOR STORE LICENSE MAY BE DENIED UNDER THIS ARTICLE IF THE LOCAL LICENSING AUTHORITY OR THE STATE ON STATE OWNED PROPERTY DETERMINES, PURSUANT TO SECTION 12-47-106 (2), THAT THE ISSUANCE OF SUCH LICENSE WOULD RESULT IN OR ADD TO AN UNDUE CONCENTRATION OF THE SAME CLASS OF LICENSE AND, AS A RESULT, REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT RESOURCES.

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 16, 1997