

## CHAPTER 125

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 99-044**

BY SENATORS Teck, Anderson, Chlouber, Dyer, Epps, Matsunaka, Phillips, and Wattenberg;  
also REPRESENTATIVES Alexander, Berry, George, Larson, Miller, and Taylor.

**AN ACT**

CONCERNING THE DISTRIBUTION OF VINOUS LIQUORS AT WINE FESTIVALS PURSUANT TO A WINE  
FESTIVAL PERMIT.

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

**SECTION 1.** 12-47-301 (3) (a), Colorado Revised Statutes, is amended to read:

**12-47-301. Licensing in general.** (3) (a) Each license issued under this article and article 46 of this title is separate and distinct. ~~and~~ It is unlawful for any person to exercise any of the privileges granted under any license other than that which the person holds or for any licensee to allow any other person to exercise such privileges granted under the licensee's license, EXCEPT AS PROVIDED IN SECTION 12-47-403.5. A separate license shall be issued for each specific business or business entity and each geographical location, and in said license the particular alcohol beverages the applicant is authorized to manufacture or sell shall be named and described. For purposes of this section, a resort complex with common ownership, a hotel and restaurant licensee with optional premises, ~~and~~ an optional premises licensee for optional premises located on an outdoor sports and recreational facility, AND A WINE FESTIVAL AT WHICH MORE THAN ONE LICENSEE PARTICIPATES PURSUANT TO A WINE FESTIVAL PERMIT shall be considered a single business and location.

**SECTION 2.** Part 4 of article 47 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-47-403.5. Wine festival permit.** (1) A WINE FESTIVAL PERMIT APPLICATION MAY BE FILED WITH THE STATE LICENSING AUTHORITY BY ANY LIMITED WINERY LICENSEE. THE APPLICANT SHALL SPECIFY THE LICENSED PREMISES FOR THE FIRST OF THE WINE FESTIVALS TO BE HELD, WHICH APPLICATION SHALL BE FILED AT LEAST TEN BUSINESS DAYS BEFORE SUCH FESTIVAL IS TO BE HELD. THE APPLICANT SHALL

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

INCLUDE A TWENTY-FIVE DOLLAR ANNUAL PROCESSING FEE WITH THE APPLICATION FILED WITH THE STATE LICENSING AUTHORITY. SUCH FEE SHALL ENTITLE THE PERMITTEE TO USE THE WINE FESTIVAL PERMIT FOR TWELVE MONTHS FROM THE DATE OF ISSUANCE, SO LONG AS SUCH PERMITTEE NOTIFIES THE STATE LICENSING AUTHORITY AND THE APPROPRIATE LOCAL LICENSING AUTHORITY OF THE LOCATION OF ALL OTHER WINE FESTIVALS UNDER THIS PERMIT AT LEAST TEN BUSINESS DAYS BEFORE ANY SUCH FESTIVAL IS TO BE HELD. A WINE FESTIVAL PERMIT SHALL ENTITLE THE PERMITTEE TO HOLD NO MORE THAN NINE WINE FESTIVALS DURING THE TWELVE-MONTH PERIOD.

(2) THE APPLICANT SHALL BE THE LIMITED WINERY LICENSEE FILING THE APPLICATION, BUT ANY WINE FESTIVAL PERMIT THAT IS ISSUED AS A RESULT OF SUCH APPLICATION SHALL BE CONSIDERED TO BE JOINTLY HELD BY THE PERMITTEE AND THE PARTICIPATING LIMITED WINERY LICENSEES.

(3) NOTIFICATION OF ALL SUBSEQUENT FESTIVALS SHALL BE BY SUPPLEMENTAL APPLICATION, AS APPROVED BY THE STATE LICENSING AUTHORITY.

(4) THE STATE LICENSING AUTHORITY MAY DENY A WINE FESTIVAL PERMIT OR SUPPLEMENTAL APPLICATION FOR ANY OF THE FOLLOWING REASONS:

(a) A DOCUMENTED HISTORY OF VIOLATIONS OF THIS ARTICLE OR RULES ISSUED UNDER THIS ARTICLE BY ANY PARTICIPATING LICENSEE;

(b) THE FILING OF AN INCOMPLETE OR LATE APPLICATION; OR

(c) A FINDING THAT THE APPLICATION, IF GRANTED, WOULD RESULT IN VIOLATIONS OF THIS ARTICLE OR RULES ISSUED UNDER THIS ARTICLE OR VIOLATIONS OF THE LAWS OF A LOCAL GOVERNMENT.

(5) AFTER THE ISSUANCE OF AN INITIAL WINE FESTIVAL PERMIT, ALL SUPPLEMENTAL APPLICATIONS THAT ARE COMPLETE AND FILED IN A TIMELY MANNER SHALL BE DEEMED APPROVED UNLESS THE STATE LICENSING AUTHORITY PROVIDES THE PERMITTEE WITH A NOTICE OF DENIAL AT LEAST SEVENTY-TWO HOURS PRIOR TO THE DATE OF THE EVENT.

(6) THE PERMITTEE AND PARTICIPATING LIMITED WINERY LICENSEES ARE AUTHORIZED TO USE THE LICENSED PREMISES JOINTLY TO CONDUCT WINE TASTINGS AND SELL ANY VINOUS LIQUORS MANUFACTURED BY A COLORADO LIMITED WINERY. NO WINE FESTIVAL PERMIT SHALL AUTHORIZE THE PERMITTEE TO USE THE LICENSED PREMISES FOR MORE THAN SEVENTY-TWO HOURS FOR ANY ONE WINE FESTIVAL.

(7) IF A VIOLATION OF THIS ARTICLE OCCURS DURING A WINE FESTIVAL AND THE LIMITED WINERY LICENSEE RESPONSIBLE FOR THE VIOLATION CAN BE IDENTIFIED, SUCH LICENSEE MAY BE CHARGED AND THE APPROPRIATE PENALTIES SHALL APPLY. IF THE RESPONSIBLE PARTY CANNOT BE IDENTIFIED, THE STATE LICENSING AUTHORITY MAY SEND A WRITTEN NOTICE TO EVERY LICENSEE IDENTIFIED ON THE PERMIT APPLICATION AND MAY FINE EACH THE SAME DOLLAR AMOUNT, WHICH AMOUNT SHALL NOT EXCEED TWENTY-FIVE DOLLARS PER LICENSEE OR TWO HUNDRED DOLLARS IN THE AGGREGATE. NO JOINT FINE LEVIED PURSUANT TO THIS SUBSECTION (7) SHALL APPLY TO THE REVOCATION OF THE LIMITED WINERY LICENSEE'S LICENSE UNDER

SECTION 12-47-601.

(8) A JOINT FINE LEVIED PURSUANT TO SUBSECTION (7) OF THIS SECTION SHALL NOT CREATE OR INCREASE CIVIL LIABILITY UNDER SECTION 12-47-801 (3) FOR A PARTICIPATING LIMITED WINERY LICENSEE OR CREATE JOINT LIABILITY FOR SUCH A LICENSEE.

**SECTION 3. Effective date - applicability.** This act shall take effect upon passage and shall apply to acts occurring on or after said date.

**SECTION 4. 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 19, 1999