

CHAPTER 32

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 99-1065

BY REPRESENTATIVES Sinclair and Paschall;
also SENATOR Andrews.

AN ACT

CONCERNING CLUB LIQUOR LICENSEES.

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

SECTION 1. 12-47-307 (1) (b), Colorado Revised Statutes, is amended to read:

12-47-307. Persons prohibited as licensees. (1) (b) (I) In making a determination as to character or when considering the conviction of a crime a licensing authority shall be governed by the provisions of section 24-5-101, C.R.S.

(II) WITH RESPECT TO CLUB LICENSE APPLICATIONS BY CORPORATIONS ONLY, AN INVESTIGATION OF THE CHARACTER OF THE CORPORATE PRESIDENT AND THE CLUB MANAGER SHALL BE DEEMED SUFFICIENT TO DETERMINE WHETHER TO ISSUE THE CLUB LICENSE TO THE CORPORATION.

SECTION 2. 12-47-416 (4), Colorado Revised Statutes, is amended to read:

12-47-416. Club license - legislative declaration. (4) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a club license to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article; except that:

(a) Such a person may have an interest in an arts license or an airline public transportation system license granted under this article, or in a financial institution referred to in section 12-47-308 (4);

(b) ANY PERSON WHO OWNS, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, ANY OTHER LICENSE ISSUED PURSUANT TO THIS ARTICLE MAY BE LISTED AS AN OFFICER OR

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

DIRECTOR ON A CLUB LICENSE IF SUCH PERSON DOES NOT INDIVIDUALLY MANAGE OR RECEIVE ANY DIRECT FINANCIAL BENEFIT FROM THE OPERATION OF SUCH LICENSE.

SECTION 3. 12-47-501 (2), Colorado Revised Statutes, is amended to read:

12-47-501. State fees. (2) 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: Applications for new liquor licenses pursuant to section 12-47-304 and regulations thereunder; applications to change location pursuant to section 12-47-301 (9) and regulations thereunder; applications for transfer of ownership pursuant to section 12-47-303 (1) (c) and regulations thereunder; applications for modification of licensed premises pursuant to section 12-47-301 and regulations thereunder; applications for branch warehouse permits pursuant to section 12-47-406 and regulations thereunder; applications for approval of a contract to sell alcohol beverages pursuant to section 12-47-411 (3) (c); applications for warehouse storage permits pursuant to section 12-47-202 and regulations thereunder; applications for duplicate licenses; applications for wine shipment permits pursuant to section 12-47-104; sole source registrations or new product registrations pursuant to section 12-47-901 (3) (b); hotel and restaurant optional premises registrations; expired license renewal applications pursuant to section 12-47-302; and notice of change of name or trade name pursuant to section 12-47-301 and regulations thereunder. The amounts of such fees, when added to the other fees transferred to the liquor enforcement division cash fund pursuant to sections 12-46-105, 12-47-502 (1), and 12-48-104, shall reflect the direct and indirect costs of the division in the administration and enforcement of this article and articles 46 and 48 of this title. The state licensing authority may charge corporate applicants and limited liability companies up to one hundred dollars for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, ~~or~~ members, OR MANAGERS pursuant to the requirements of section ~~12-47-307(1)(a)~~ 12-47-307 (1); however, the state licensing authority shall not collect such a fee if the applicant has already undergone a background investigation by and paid a fee to a local licensing authority. At least annually, the amounts of the fees shall be reviewed and, if necessary, adjusted to reflect such direct and indirect costs.

SECTION 4. 12-47-505 (5), Colorado Revised Statutes, is amended to read:

12-47-505. Local license fees. (5) The local licensing authority may charge corporate applicants and limited liability companies up to one hundred dollars for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, ~~or~~ members, OR MANAGERS pursuant to the requirements of section ~~12-47-307(1)(a)~~ 12-47-307 (1); however, no local licensing authority shall collect such a fee if the applicant has already undergone a background investigation by and paid a fee to the state licensing authority.

SECTION 5. Effective date. This act shall take effect September 30, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people,

shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 17, 1999