

CHAPTER 11

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 02-1040

BY REPRESENTATIVE(S) Sinclair, Borodkin, Crane, Hodge, Paschall, Rippy, and Stafford;
also SENATOR(S) Hagedorn.

AN ACT**CONCERNING BACKGROUND INVESTIGATIONS FOR ALCOHOL BEVERAGE LICENSES.**

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

SECTION 1. 12-47-304 (1), Colorado Revised Statutes, is amended to read:

12-47-304. State licensing authority - application and issuance procedures.

(1) (a) Applications for licenses under the provisions of this article and articles 46 and 48 of this title shall be made to the state licensing authority on forms prepared and furnished by the state licensing authority and shall set forth such information as the state licensing authority may require to enable the authority to determine whether a license should be granted. Such information shall include the name and address of the applicant, and if a partnership, also the names and addresses of all the partners, and if a corporation, association, or other organization, also the names and addresses of the president, vice-president, secretary, and managing officer, together with all other information deemed necessary by the licensing authority. Each application shall be verified by the oath or affirmation of such person or persons as the state licensing authority may prescribe.

(b) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), AN APPLICANT SEEKING LICENSES FOR MULTIPLE LOCATIONS MAY REQUEST THE STATE LICENSING AUTHORITY TO ESTABLISH A MASTER FILE. ALL REQUESTS FOR A MASTER FILE SHALL BE MADE ON FORMS PROVIDED BY THE STATE LICENSING AUTHORITY AND SHALL CONTAIN SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE AUTHORITY TO DETERMINE THE SUITABILITY OF THE LICENSE APPLICANT AND ITS PRINCIPAL OWNERS AS REQUIRED PURSUANT TO SECTION 12-47-307. THE STATE LICENSING AUTHORITY SHALL EITHER APPROVE THE REQUEST FOR A MASTER FILE AND ISSUE AN APPROVAL LETTER, OR DENY THE REQUEST PURSUANT TO THE PROVISIONS OF SECTION 12-47-305. ANY CHANGE

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

TO INFORMATION CONTAINED IN THE MASTER FILE SHALL BE REPORTED BY THE APPLICANT OR LICENSEE TO THE STATE LICENSING AUTHORITY WITHIN THIRTY DAYS AFTER THE CHANGE. FAILURE TO REPORT ALL CHANGES AS REQUIRED MAY BE GROUNDS FOR SUSPENSION OR REVOCATION OF A LICENSE OR LICENSES AS DETERMINED BY THE STATE LICENSING AUTHORITY. NO LOCAL LICENSING AUTHORITY SHALL REQUIRE APPLICANTS WITH AN APPROVED MASTER FILE TO FILE ADDITIONAL BACKGROUND INVESTIGATION FORMS OR FINGERPRINTS. NOTHING IN THIS SECTION SHALL PROHIBIT A LOCAL LICENSING AUTHORITY FROM CONDUCTING ITS OWN INVESTIGATION, OR FROM VERIFYING ANY OF THE INFORMATION PROVIDED BY THE APPLICANT, OR FROM DENYING THE APPLICATION OF THE APPLICANT PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 12-47-307.

(c) AS USED IN THIS PART 3, "MASTER FILE" MEANS A FILE THAT IS ESTABLISHED BY THE STATE LICENSING AUTHORITY AND THAT CONTAINS LICENSING AND BACKGROUND INFORMATION FOR AN APPLICANT SEEKING LICENSES PURSUANT TO THIS ARTICLE IN MULTIPLE LOCATIONS. SUCH MASTER FILE SHALL BE AVAILABLE TO THE LOCAL LICENSING AUTHORITY.

(d) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES GOVERNING THE MINIMUM NUMBER OF MULTIPLE LOCATIONS REQUIRED TO ESTABLISH AND MAINTAIN A MASTER FILE.

SECTION 2. 12-47-307 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-307. Persons prohibited as licensees. (3) (c) AT THE TIME OF THE APPLICATION FOR A LICENSE, THE APPLICANT SHALL SUBMIT FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A LICENSE ON FORMS PREPARED BY THE STATE LICENSING AUTHORITY. THE STATE AND LOCAL LICENSING AUTHORITIES SHALL SUBMIT SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINTS-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINTS-BASED CRIMINAL HISTORY RECORD CHECKS. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED FINGERPRINTS FOR ALCOHOL BEVERAGE LICENSING PURPOSES MAY REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE LICENSING AUTHORITIES SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINTS-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND TO DETERMINE IF AN APPLICANT IS QUALIFIED FOR A LICENSE PURSUANT TO THIS ARTICLE AND ARTICLE 46 OF THIS TITLE. THE LICENSING AUTHORITY SHALL NOT BE PROHIBITED FROM VERIFYING ANY OF THE INFORMATION REQUIRED TO BE SUBMITTED BY AN APPLICANT PURSUANT TO THIS SECTION. AN APPLICANT SHALL NOT BE REQUIRED TO SUBMIT ADDITIONAL INFORMATION BEYOND THAT REQUIRED IN THIS SUBSECTION (3) UNLESS THE LICENSING AUTHORITY HAS DETERMINED ANY OF THE FOLLOWING:

- (I) THE APPLICANT HAS MISREPRESENTED A MATERIAL FACT;
- (II) THE APPLICANT HAS AN ESTABLISHED CRIMINAL HISTORY RECORD;
- (III) A PRIOR CRIMINAL OR ADMINISTRATIVE PROCEEDING DETERMINED THAT THE

APPLICANT VIOLATED ALCOHOL BEVERAGE LAWS;

(IV) THE INFORMATION SUBMITTED BY AN APPLICANT IS INCOMPLETE; OR

(V) THE CHARACTER, RECORD, OR REPUTATION OF THE APPLICANT, HIS OR HER AGENT, OR HIS OR HER PRINCIPAL IS SUCH THAT A POTENTIAL VIOLATION OF THIS ARTICLE OR ARTICLE 46 OF THIS TITLE MAY OCCUR IF A LICENSE IS ISSUED TO THE APPLICANT.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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 13, 2002