

CHAPTER 123

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 05-1236

BY REPRESENTATIVE(S) Judd and Cadman;
also SENATOR(S) Kester.

AN ACT**CONCERNING OWNERSHIP RESTRICTIONS BETWEEN RETAIL ON-PREMISES ALCOHOL BEVERAGE LICENSEES.**

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

SECTION 1. 12-47-409 (3), Colorado Revised Statutes, is amended to read:

12-47-409. Beer and wine license. (3) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a beer and wine 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 such a person may have an interest in ~~an arts license or an airline public transportation system license granted under this article~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 2. 12-47-410 (5), Colorado Revised Statutes, is amended to read:

12-47-410. Bed and breakfast permit. (5) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a bed and breakfast permit 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 person regulated under this section may have an interest in other bed and breakfast permits, ~~in an arts license, or an airline public transportation system license granted under this article~~ IN A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t), or in a financial institution referred to in section 12-47-308 (4).

SECTION 3. 12-47-411 (13) (b), Colorado Revised Statutes, is amended to read:

12-47-411. Hotel and restaurant license. (13) (b) Notwithstanding paragraph

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) of this subsection (13), an owner, part owner, shareholder, or person interested directly or indirectly in a hotel and restaurant license may conduct, own EITHER in whole or in part, or be directly or indirectly interested in ~~another hotel and restaurant license or establishment, a brew pub license or establishment, a vintner's restaurant license, a retail gaming tavern license or establishment, a tavern license, an arts license, a racetrack license or establishment, or an airline public transportation system license granted under this article~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 4. 12-47-412 (3), Colorado Revised Statutes, is amended to read:

12-47-412. Tavern license. (3) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in tavern licenses 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 such a person may have an interest in ~~another tavern license, a hotel and restaurant license, an arts license, a racetrack license or establishment, or an airline public transportation system license granted under this article~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 5. 12-47-413 (2) (b), Colorado Revised Statutes, is amended to read:

12-47-413. Optional premises license. (2) (b) Notwithstanding paragraph (a) of this subsection (2), an owner, part owner, shareholder, or person interested directly or indirectly in an optional premises license may own, either in whole or in part, or be directly or indirectly interested in ~~not more than three optional premises licenses, an arts license, or an airline public transportation system license granted under this article~~; A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 6. 12-47-414 (4), Colorado Revised Statutes, is amended to read:

12-47-414. Retail gaming tavern license. (4) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a retail gaming tavern 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 such a person may have an interest in ~~another retail gaming tavern license or establishment, a hotel and restaurant license or establishment, an arts license, or an airline public transportation system license granted under this article~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 7. 12-47-415 (5) (b), Colorado Revised Statutes, is amended to read:

12-47-415. Brew pub license. (5) (b) Notwithstanding paragraph (a) of this subsection (5), a person interested directly or indirectly in a brew pub license may conduct, own EITHER in whole or in part, or be directly or indirectly interested in ~~another brew pub, vintner's restaurant, or hotel and restaurant license, an arts license, or an airline public transportation system license granted under this article~~; A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial

institution referred to in section 12-47-308 (4).

SECTION 8. 12-47-418 (4), Colorado Revised Statutes, is amended to read:

12-47-418. Racetrack license. (4) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a racetrack 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 person licensed under this section may have an interest in ~~another racetrack license, a hotel and restaurant license, a tavern license, an arts license, or an airline public transportation system license granted under this article,~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 9. 12-47-419 (2), Colorado Revised Statutes, is amended to read:

12-47-419. Public transportation system license. (2) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a public transportation system 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 person licensed under this section may be interested in ~~another public transportation system license or an arts license granted under this article,~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4), and a licensed ~~airline~~ public transportation system may be interested in any other retail liquor license or in a financial institution referred to in section 12-47-308 (4).

SECTION 10. 12-47-420 (5) (b), Colorado Revised Statutes, is amended to read:

12-47-420. Vintner's restaurant license. (5) (b) A person interested directly or indirectly in a vintner's restaurant license may conduct, own EITHER in whole or in part, or be directly or indirectly interested in ~~another vintner's restaurant, brew pub, or hotel and restaurant license, an arts license, or an airline public transportation system license granted under this article,~~ A LICENSE DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

SECTION 11. 12-47-301 (2) (a), Colorado Revised Statutes, is amended to read:

12-47-301. Licensing in general. (2) (a) Before granting any license, all licensing authorities shall consider, except where this article and article 46 of this title specifically provide 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 that are or may be placed upon the neighborhood by the local licensing authority. With respect to a second or additional ~~hotel and restaurant or vintner's restaurant~~ license DESCRIBED IN SECTION 12-47-401 (1) (j) TO (1) (t) OR 12-47-410 (1) OR IN A FINANCIAL INSTITUTION REFERRED TO IN SECTION 12-47-308 (4) 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 or vintner's restaurant license that would have the effect of restraining competition shall

be approved.

SECTION 12. 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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: April 27, 2005