

CHAPTER 336

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1105

BY REPRESENTATIVE(S) Frangas, Judd, Ferrandino, Fischer, Borodkin, Jahn, King, Labuda, Liston, Massey, McFadyen, McGihon, Middleton, Pommer, Todd, White, Carroll T., Kefalas, Kerr A., Kerr J., Lambert, and Rice;
also SENATOR(S) Sandoval, Bacon, Boyd, Gibbs, Isgar, Kester, McElhany, Spence, Taylor, Tochtrop, Veiga, Williams, and Windels.

AN ACT

CONCERNING PERMITTING AN ART GALLERY TO SERVE ALCOHOL BEVERAGES UNDER CERTAIN CONDITIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 4 of article 47 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47-422. Art gallery permit - definition. (1) A PERSON OPERATING AN ART GALLERY THAT OFFERS COMPLIMENTARY MALT, VINOUS, OR SPIRITUOUS LIQUORS FOR CONSUMPTION ONLY ON THE PREMISES MAY BE ISSUED AN ART GALLERY PERMIT, WHICH SHALL BE RENEWED ANNUALLY. AN ART GALLERY PERMITTEE SHALL NOT, DIRECTLY OR INDIRECTLY, SELL ALCOHOL BEVERAGES BY THE DRINK, SHALL NOT SERVE ALCOHOL BEVERAGES FOR MORE THAN FOUR HOURS IN ANY ONE DAY, AND SHALL NOT SERVE ALCOHOL BEVERAGES MORE THAN FIFTEEN DAYS PER YEAR OF LICENSURE.

(2) (a) THE STATE OR LOCAL LICENSING AUTHORITY MAY REJECT THE APPLICATION FOR AN ART GALLERY PERMIT IF THE APPLICANT FAILS TO ESTABLISH THAT THE APPLICANT IS ABLE TO OFFER COMPLIMENTARY ALCOHOL BEVERAGES WITHOUT VIOLATING THIS SECTION OR CREATING A PUBLIC SAFETY RISK TO THE NEIGHBORHOOD.

(b) UPON INITIAL APPLICATION, AND FOR EACH RENEWAL, THE APPLICANT SHALL LIST EACH DAY THAT ALCOHOL BEVERAGES WILL BE SERVED, WHICH DAYS SHALL NOT BE CHANGED WITHOUT A MINIMUM OF FIFTEEN DAYS WRITTEN NOTICE TO THE STATE AND LOCAL LICENSING AUTHORITY.

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

(3) AN ART GALLERY SHALL NOT BE DENIED AN ART GALLERY PERMIT BASED SOLELY ON THE ART GALLERY'S PROXIMITY TO ANY PUBLIC OR PRIVATE SCHOOL OR THE PRINCIPAL CAMPUS OF A COLLEGE, UNIVERSITY, OR SEMINARY.

(4) AN ART GALLERY SHALL NOT CHARGE AN ENTRANCE FEE OR A COVER CHARGE IN CONNECTION WITH OFFERING COMPLIMENTARY MALT, VINOUS, OR SPIRITUOUS LIQUORS FOR CONSUMPTION ONLY ON THE PREMISES.

(5) AN ART GALLERY PERMIT MAY BE SUSPENDED OR REVOKED IN ACCORDANCE WITH SECTION 12-47-601 IF THE PERMITTEE VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE OR FAILS TO TRUTHFULLY FURNISH ANY REQUIRED INFORMATION IN CONNECTION WITH A PERMIT APPLICATION.

(6) IT IS UNLAWFUL FOR ANY OWNER, PART OWNER, SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR INDIRECTLY IN AN ART GALLERY 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 ART GALLERY PERMITS, 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).

(7) AS USED IN THIS SECTION, "ART GALLERY" MEANS AN ESTABLISHMENT WHOSE PRIMARY PURPOSE IS TO EXHIBIT AND OFFER FOR SALE WORKS OF FINE ART AS DEFINED IN SECTION 6-15-101, C.R.S., OR PRECIOUS OR SEMIPRECIOUS METALS OR STONES AS DEFINED IN SECTION 18-16-102, C.R.S.

(8) AN ART GALLERY ISSUED A PERMIT SHALL NOT INTENTIONALLY ALLOW MORE THAN TWO HUNDRED FIFTY PEOPLE TO BE ON THE PREMISES AT ONE TIME WHEN ALCOHOL IS BEING SERVED.

(9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE ANY INSURANCE COVERAGE REQUIRED BY LAW; TO AUTHORIZE A LICENSED ART GALLERY TO VIOLATE SECTION 12-47-901, INCLUDING, WITHOUT LIMITATION, SERVING A VISIBLY INTOXICATED PERSON AND TAKING AN ALCOHOL BEVERAGE OFF THE LICENSED PREMISES; OR TO VIOLATE ANY ZONING OR OCCUPANCY ORDINANCES OR LAWS.

SECTION 2. 12-47-501 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-501. State fees. (1) The following license fees shall be paid to the department of revenue annually in advance:

(r) FOR EACH ART GALLERY PERMIT, FIFTY DOLLARS.

SECTION 3. 12-47-505 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-505. Local license fees. (1) The following license fees shall be paid to

the treasurer of the municipality, city and county, or county where the licensed premises is located annually in advance:

(o) FOR EACH ART GALLERY PERMIT, TWENTY-FIVE DOLLARS.

SECTION 4. 12-47-505 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-47-505. Local license fees. (4) (a) Each application for a license provided for in this article and article 46 of this title filed with a local licensing authority shall be accompanied by an application fee in an amount determined by the local licensing authority to cover actual and necessary expenses, subject to the following limitations:

(IV) FOR A NEW LICENSE OR RENEWAL APPLICATION FOR AN ART GALLERY PERMIT, NOT TO EXCEED ONE HUNDRED DOLLARS.

SECTION 5. 12-47-901 (1) (h), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-47-901. Unlawful acts - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (IV) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (h), IT SHALL NOT BE UNLAWFUL FOR ADULT PATRONS OF AN ART GALLERY PERMITEE TO CONSUME MALT, VINOUS, OR SPIRITUOUS LIQUOR ON THE PREMISES WHEN THE CONSUMPTION IS CONDUCTED WITHIN THE LIMITATIONS OF A VALID PERMIT GRANTED PURSUANT TO SECTION 12-47-122.

SECTION 6. 12-48-103 (2) (a), Colorado Revised Statutes, is amended to read:

12-48-103. Grounds for issuance of special permits. (2) (a) A special event permit may be issued under this section notwithstanding the fact that the special event is to be held on premises licensed under the provisions of section 12-47-403, 12-47-403.5, 12-47-416, or 12-47-417, OR 12-47-422. The holder of a special event permit issued pursuant to this subsection (2) shall be responsible for any violation of article 47 of this title.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the liquor enforcement division, personal services for the fiscal year beginning July 1, 2008, the sum of one thousand six hundred sixty dollars (\$1,660) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the liquor enforcement division, operating expenses, for the fiscal year beginning July 1, 2008, the sum of

two hundred ninety-three dollars (\$293) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Effective date. This act shall take effect July 1, 2008.

SECTION 9. 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: May 28, 2008