

CHAPTER 112

PROFESSIONS AND OCCUPATIONS

SENATE BILL 14-054

BY SENATOR(S) Balmer, Jahn, Jones, Kefalas, Schwartz, Tochtrop, Todd; also REPRESENTATIVE(S) Pabon, Court, Fields, Ginal, Holbert, Kagan, Labuda, Lawrence, Melton, Pettersen, Schafer, Singer, Vigil, Young.

AN ACT

CONCERNING THE ABILITY OF AN ALCOHOL BEVERAGE LICENSEE TO PETITION THE LICENSING AUTHORITY TO PAY A FINE IN LIEU OF A LICENSE SUSPENSION ORDERED BY THE LICENSING AUTHORITY.

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

SECTION 1. In Colorado Revised Statutes, 12-47-601, amend (3) (a) as follows:

12-47-601. Suspension - revocation - fines. (3) (a) Whenever a decision of the state or any local licensing authority suspending a license or permit for fourteen days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license or permit suspended SUSPENSION for all or part of the suspension period. Upon the receipt of the petition, the state or the local licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which THAT it deems desirable and may, in its sole discretion, grant the petition if it is satisfied that:

(I) The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; that AND

(II) The books and records of the licensee are kept in such a manner that the loss of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy. therefrom; and

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

(III) ~~That the licensee has not had his or her license or permit suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license or permit.~~

SECTION 2. Applicability. This act applies to final alcohol beverage license or permit suspension decisions issued by the state or a local licensing authority on or after the effective date of this act.

SECTION 3. 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 11, 2014