

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0717.01 Christy Chase x2008

HOUSE BILL 14-1132

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Steadman,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO ESTABLISH**
102 **THE HOURS DURING WHICH ALCOHOL BEVERAGES MAY BE SOLD**
103 **FOR CONSUMPTION ON A LICENSED PREMISES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law prohibits a person licensed to sell alcohol beverages for on-premises consumption from serving alcohol beverages between the hours of 2 a.m. and 7 a.m.

The bill allows a local government to establish the hours during

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 14, 2014

which alcohol beverages may be sold for on-premises consumption at establishments within the local government's jurisdiction.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-302, **amend**
3 (1) as follows:

4 **12-47-302. License renewal.** (1) (a) Ninety days prior to the
5 expiration date of an existing license, the state licensing authority shall
6 notify the licensee of ~~such~~ THE expiration date by first class mail at the
7 business' last-known address. ~~Application for the renewal of THE~~
8 LICENSEE SHALL SUBMIT AN APPLICATION TO RENEW an existing license
9 ~~shall be made~~ to the local licensing authority not less than forty-five days
10 and to the state licensing authority not less than thirty days prior to the
11 date of expiration. No application for renewal of a license shall be
12 accepted by the local licensing authority after the date of expiration,
13 except as provided in subsection (2) of this section, but filing with the
14 local licensing authority shall be deemed filing with the state, and all
15 renewals filed with the local licensing authorities prior to expiration, and
16 subsequently approved, shall be processed by the state licensing authority,
17 and the expiration date is extended until the state license is processed.
18 The state or the local licensing authority, for good cause, may waive the
19 forty-five- or thirty-day time requirements set forth in this subsection (1).

20 (b) The local licensing authority may cause a hearing on the
21 application for renewal to be held. No renewal hearing provided for by
22 this subsection (1) shall be held by the local licensing authority until a
23 notice of hearing has been conspicuously posted on the licensed premises
24 for a period of ten days and notice of the hearing has been provided the
25 applicant at least ten days prior to the hearing.

1 (c) The licensing authority may refuse to renew any license for
2 good cause, subject to judicial review. ALTERNATIVELY, A LOCAL
3 LICENSING AUTHORITY, FOR GOOD CAUSE, MAY, AS A CONDITION OF
4 RENEWAL OF A LICENSE THAT AUTHORIZES A PERSON TO SERVE ALCOHOL
5 BEVERAGES FOR ON-PREMISES CONSUMPTION, RESTRICT THE ALLOWABLE
6 HOURS DURING WHICH THE ESTABLISHMENT MAY SERVE MALT, VINOUS,
7 AND SPIRITUOUS LIQUORS. Any renewal hearing held by the state licensing
8 authority shall be pursuant to section 12-47-305 (2).

9 **SECTION 2.** In Colorado Revised Statutes, **add** 12-47-314 as
10 follows:

11 **12-47-314. Hours of operation for establishments licensed for**
12 **on-premises alcohol beverage consumption- determination by local**
13 **government.** (1) NOTWITHSTANDING SECTION 12-47-901 (5) (b) (I), THE
14 GOVERNING BODY OF A MUNICIPALITY, CITY AND COUNTY, OR COUNTY, BY
15 THE ADOPTION OF AN ORDINANCE OR RESOLUTION, MAY EXTEND THE
16 HOURS DURING WHICH ESTABLISHMENTS WITHIN THE JURISDICTION OF THE
17 MUNICIPALITY, CITY AND COUNTY, OR COUNTY THAT ARE LICENSED TO
18 SELL ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES
19 MAY SERVE MALT, VINOUS, OR SPIRITUOUS LIQUORS FOR ON-PREMISES
20 CONSUMPTION, BUT THE GOVERNING BODY SHALL NOT ALLOW A LICENSED
21 ESTABLISHMENT TO SERVE MALT, VINOUS, OR SPIRITUOUS LIQUORS
22 BETWEEN THE HOURS OF 4:30 A.M. AND 7 A.M. IF THE GOVERNING BODY OF
23 A MUNICIPALITY, CITY AND COUNTY, OR COUNTY EXTENDS SERVICE HOURS
24 PURSUANT TO THIS SECTION, THE SERVICE HOURS MUST APPLY UNIFORMLY
25 THROUGHOUT THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY.

26 (2) IF THE GOVERNING BODY OF A MUNICIPALITY, CITY AND
27 COUNTY, OR COUNTY ADOPTS AN ORDINANCE OR RESOLUTION EXTENDING

1 MALT, VINOUS, OR SPIRITUOUS LIQUOR SERVICE HOURS PURSUANT TO THIS
2 SECTION, THE LOCAL LICENSING AUTHORITY FOR THE MUNICIPALITY, CITY
3 AND COUNTY, OR COUNTY SHALL NOTIFY THE STATE LICENSING
4 AUTHORITY OF THE EXTENDED HOURS WITHIN THE JURISDICTION AND OF
5 THE LICENSED ESTABLISHMENTS AFFECTED BY THE EXTENSION OF MALT,
6 VINOUS, OR SPIRITUOUS LIQUORS SERVICE HOURS.

7 **SECTION 3.** In Colorado Revised Statutes, 12-47-901, **amend**
8 (5) (b) (I) as follows:

9 **12-47-901. Unlawful acts - exceptions.** (5) It is unlawful for any
10 person licensed to sell at retail pursuant to this article:

11 (b) To sell, serve, or distribute any malt, vinous, or spirituous
12 liquors at any time other than the following:

13 (I) For consumption on the premises on any day of the week,
14 except between the hours of 2 a.m. and 7 a.m., UNLESS THE GOVERNING
15 BODY OF A MUNICIPALITY, CITY AND COUNTY, OR COUNTY, BY ADOPTION
16 OF AN ORDINANCE OR RESOLUTION PURSUANT TO SECTION 12-47-314,
17 EXTENDS THE HOURS DURING WHICH MALT, VINOUS, OR SPIRITUOUS
18 LIQUORS MAY BE SERVED FOR ON-PREMISES CONSUMPTION AT LICENSED
19 PREMISES WITHIN ITS JURISDICTION, BUT IN NO CASE MAY A PERSON
20 LICENSED UNDER THIS ARTICLE SERVE MALT, VINOUS, OR SPIRITUOUS
21 LIQUORS FOR ON-PREMISES CONSUMPTION BETWEEN THE HOURS OF 4:30
22 A.M. AND 7 A.M.;

23 **SECTION 4.** In Colorado Revised Statutes, 42-4-1306, **add** (2.5)
24 as follows:

25 (2.5) THE INTERAGENCY TASK FORCE ON DRUNK DRIVING SHALL
26 STUDY THE IMPACT OF EXPANDED ALCOHOL BEVERAGE SERVICE HOURS ON
27 THE NUMBER OF INCIDENTS OF DRUNK AND IMPAIRED DRIVING AND SUBMIT

1 A REPORT OF ITS FINDINGS PURSUANT TO SUBSECTION (4) OF THIS SECTION
2 BY JANUARY 15, 2015.

3 **SECTION 5. Effective date.** This act takes effect upon passage;
4 except that sections 1 and 2 of the bill take effect July 15, 2015.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.