

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0760.01 Yelana Love x2295

HOUSE BILL 22-1142

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HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN EXTENDED SERVICE HOURS PERMIT  
102 TO ALLOW SPECIFIED PERSONS LICENSED TO SELL ALCOHOL  
103 BEVERAGES TO OPERATE DURING EXTENDED HOURS.

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**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://leg.colorado.gov>.)*

Current law restricts the sale of malt, vinous, or spirituous liquors to between the hours of 7:00 a.m. and 2:00 a.m., and restricts the sale of fermented malt beverages to between the hours of 8:00 a.m. and 12 midnight.

The bill creates an extended service hours permit to authorize

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

certain liquor licensees that are authorized to sell alcohol beverages for consumption on the licensed premises to sell alcohol beverages outside of these specified hours. A licensee must obtain a permit from both the state and local licensing authorities before operating during extended hours.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 44-3-430 as follows:

**44-3-430. Extended service hours - permit - eligible licensees - requirements and limitations - penalties - rules.** (1) WHEN OPERATING PURSUANT TO A VALID PERMIT ISSUED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, IN ADDITION TO THE HOURS OF OPERATION PERMITTED PURSUANT TO SECTION 44-3-901 (6)(b) OR (6)(c), AS APPLICABLE, THE FOLLOWING LICENSEES MAY OPERATE BETWEEN THE HOURS OF 5:00 A.M. AND 2:00 A.M., OR BETWEEN THE HOURS OF 7:00 A.M. AND 4:00 A.M., BUT NOT BOTH:

(a) A LICENSEE OPERATING A SALES ROOM PURSUANT TO SECTION 44-3-402 (2) OR (7), 44-3-403 (2)(e), OR 44-3-407 (1)(b);

(b) A BEER AND WINE LICENSEE;

(c) A HOTEL AND RESTAURANT LICENSEE, INCLUDING A LICENSEE OPERATING A RESORT COMPLEX WITH DESIGNATED RELATED FACILITIES PURSUANT TO SECTION 44-3-413 (2) OR A CAMPUS LIQUOR COMPLEX WITH DESIGNATED RELATED FACILITIES PURSUANT TO SECTION 44-3-413 (3);

(d) A TAVERN LICENSEE;

(e) AN OPTIONAL PREMISES LICENSEE;

(f) A RETAIL GAMING TAVERN LICENSEE;

(g) A BREW PUB LICENSEE;

(h) A CLUB LICENSEE;

- 1 (i) AN ARTS LICENSEE;
- 2 (j) A RACETRACK LICENSEE;
- 3 (k) A PUBLIC TRANSPORT SYSTEM LICENSEE;
- 4 (l) A VINTNER'S RESTAURANT LICENSEE;
- 5 (m) A DISTILLERY PUB LICENSEE;
- 6 (n) A LODGING AND ENTERTAINMENT LICENSEE;
- 7 (o) A RETAILER LICENSEE LICENSED PURSUANT TO SECTION
- 8 44-4-107 (1)(b) OR (1)(c); OR
- 9 (p) A FERMENTED MALT BEVERAGE RETAILER LICENSED PURSUANT
- 10 TO SECTION 44-4-104 (1)(c)(III).

11 (2) (a) IN ORDER TO OPERATE DURING THE EXTENDED HOURS  
12 LISTED IN SUBSECTION (1) OF THIS SECTION, A LICENSEE LISTED IN  
13 SUBSECTION (1) MUST APPLY FOR AND OBTAIN AN EXTENDED SERVICE  
14 HOURS PERMIT FROM BOTH THE LOCAL LICENSING AUTHORITY FOR THE  
15 JURISDICTION IN WHICH THE LICENSED PREMISES IS LOCATED AND THE  
16 STATE LICENSING AUTHORITY. THE APPLICANT MUST APPLY TO THE LOCAL  
17 LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY  
18 CONCURRENTLY. THE APPLICANT MUST DESIGNATE ON EACH APPLICATION  
19 WHICH EXTENDED SERVICE HOUR WINDOW THE APPLICANT IS APPLYING  
20 FOR, AND EACH LICENSING AUTHORITY SHALL DESIGNATE ON THE ISSUED  
21 PERMIT WHICH EXTENDED SERVICE HOUR WINDOW APPLIES TO THE  
22 LICENSED PREMISES.

23 (b) THIS SECTION DOES NOT REQUIRE A LOCAL LICENSING  
24 AUTHORITY TO ALLOW A LICENSEE TO OPERATE DURING EXTENDED HOURS  
25 WITHIN THE LOCAL LICENSING AUTHORITY'S JURISDICTION.

26 (c) (I) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE OR  
27 RENEW A PERMIT UNDER THIS SUBSECTION (2) TO A LICENSEE WITH ANY

1 STATE OR LOCAL DISCIPLINARY ACTION IMPOSED PURSUANT TO SECTION  
2 44-3-601 OR AN EQUIVALENT LOCAL ORDINANCE OR RESOLUTION AGAINST  
3 THE LICENSEE'S LICENSE IN THE TWELVE MONTHS PRECEDING THE  
4 LICENSEE'S INITIAL APPLICATION OR APPLICATION FOR RENEWAL OF THE  
5 PERMIT.

6 (II) THIS SUBSECTION (2)(c) DOES NOT PROHIBIT AN APPLICANT  
7 THAT HAS BEEN IN OPERATION FOR FEWER THAN TWELVE MONTHS FROM  
8 APPLYING FOR AND OBTAINING A PERMIT ISSUED PURSUANT TO THIS  
9 SECTION.

10 (3) AN EXTENDED SERVICE HOURS PERMIT ISSUED BY THE STATE  
11 LICENSING AUTHORITY IS SUBJECT TO RENEWAL ON AN ANNUAL BASIS AT  
12 THE SAME TIME THE UNDERLYING LICENSE IS RENEWED.

13 (4) THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES:

14 (a) CREATING A STATE EXTENDED SERVICE HOURS PERMIT; AND

15 (b) CONCERNING ANY OTHER MATTERS NECESSARY FOR THE SAFE  
16 AND EFFECTIVE IMPLEMENTATION OF THIS SECTION.

17 **SECTION 2.** In Colorado Revised Statutes, 44-3-304, **amend**  
18 (1)(a) as follows:

19 **44-3-304. State licensing authority - application and issuance**  
20 **procedures - definitions - rules.** (1) (a) Applications for licenses OR  
21 PERMITS under the provisions of this article 3 and articles 4 and 5 of this  
22 title 44 shall be made to the state licensing authority on forms prepared  
23 and furnished by the state licensing authority and shall set forth such  
24 information as the state licensing authority may require to enable the  
25 authority to determine whether a license OR PERMIT should be granted.  
26 The information shall include the name and address of the applicant, and  
27 if a partnership, also the names and addresses of all the partners, and if a

1 corporation, association, or other organization, also the names and  
2 addresses of the president, vice-president, secretary, and managing  
3 officer, together with all other information deemed necessary by the  
4 licensing authority. Each application shall be verified by the oath or  
5 affirmation of the person or persons as the state licensing authority may  
6 prescribe.

7 **SECTION 3.** In Colorado Revised Statutes, 44-3-309, **amend** (1)  
8 introductory portion and (2); and **add** (1)(o) as follows:

9 **44-3-309. Local licensing authority - applications - optional**  
10 **premises licenses.** (1) A local licensing authority may issue only the  
11 following alcohol beverage licenses OR PERMITS upon payment of the fee  
12 specified in section 44-3-505:

13 (o) EXTENDED SERVICE HOURS PERMIT.

14 (2) An application for any license OR PERMIT specified in  
15 subsection (1) of this section or section 44-4-107 shall be filed with the  
16 appropriate local licensing authority on forms provided by the state  
17 licensing authority and containing such information as the state licensing  
18 authority may require. Each application shall be verified by the oath or  
19 affirmation of such persons as prescribed by the state licensing authority.

20 **SECTION 4.** In Colorado Revised Statutes, 44-3-401, **add** (1)(y)  
21 as follows:

22 **44-3-401. Classes of licenses and permits - rules.** (1) For the  
23 purpose of regulating the manufacture, sale, and distribution of alcohol  
24 beverages, the state licensing authority in its discretion, upon application  
25 in the prescribed form made to it, may issue and grant to the applicant a  
26 license or permit from any of the following classes, subject to the  
27 provisions and restrictions provided by this article 3:

1 (y) EXTENDED SERVICE HOURS PERMIT.

2 **SECTION 5.** In Colorado Revised Statutes, 44-3-501, **amend**  
3 (3)(a)(XVIII) and (3)(a)(XIX); and **add** (3)(a)(XX) as follows:

4 **44-3-501. State fees - rules - one-time fee waiver - repeal.**

5 (3) (a) The state licensing authority shall establish fees for processing the  
6 following types of applications, notices, or reports required to be  
7 submitted to the state licensing authority:

8 (XVIII) Applications for the renewal of a license or permit issued  
9 in accordance with this article 3; ~~and~~

10 (XIX) Applications for a permit for or attachment to a communal  
11 outdoor dining area or for modification of a licensed premises to include  
12 a communal outdoor dining area; AND

13 (XX) APPLICATIONS AND RENEWALS FOR EXTENDED SERVICE  
14 HOURS PERMITS PURSUANT TO SECTION 44-3-430.

15 **SECTION 6.** In Colorado Revised Statutes, 44-3-505, **amend**  
16 (4)(a) introductory portion; and **add** (4)(a)(VI) as follows:

17 **44-3-505. Local license fees.** (4) (a) Each application for a  
18 license OR PERMIT provided for in this article 3 and article 4 of this title  
19 44 filed with a local licensing authority must be accompanied by an  
20 application fee in an amount determined by the local licensing authority  
21 to cover actual and necessary expenses, subject to the following  
22 limitations:

23 (VI) FOR EACH EXTENDED SERVICE HOURS PERMIT, AN AMOUNT  
24 NOT TO EXCEED THE STATE APPLICATION FEE ESTABLISHED PURSUANT TO  
25 SECTION 44-3-501 (3)(a)(XX).

26 **SECTION 7.** In Colorado Revised Statutes, 44-3-901, **amend**  
27 (6)(b) introductory portion and (6)(c) introductory portion as follows:

1           **44-3-901. Unlawful acts - exceptions - definitions.** (6) It is  
2 unlawful for any person licensed to sell at retail pursuant to this article 3  
3 or article 4 of this title 44:

4           (b) EXCEPT AS PROVIDED IN SECTION 44-3-430, to sell, serve, or  
5 distribute any malt, vinous, or spirituous liquors at any time other than the  
6 following:

7           (c) EXCEPT AS PROVIDED IN SECTION 44-3-430, to sell fermented  
8 malt beverages:

9           **SECTION 8. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2022 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.