

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0833.01 Yelana Love x2295

SENATE BILL 20-110

SENATE SPONSORSHIP

Williams A. and Holbert,

HOUSE SPONSORSHIP

Snyder,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING FINES LEVIED BY A LICENSING AUTHORITY FOR
102 VIOLATIONS OF LAWS RELATED TO ALCOHOL BEVERAGES.

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>.)

Currently, the state or local licensing authority may suspend or revoke a licensee's license or permit for the licensee's violation of a law related to the regulation of alcohol beverages. The licensee may choose to pay a fine instead of the revocation or suspension.

The bill:

! Authorizes the state and local licensing authorities to fine

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.

- ! the licensee initially;
- ! Increases the potential fine for violations related to alcohol beverages from between \$200 and \$5,000 to between \$500 and \$100,000; and
- ! Requires the manner in which licensees pay fines to the state licensing authority to be determined by the state licensing authority.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-601, **amend** (1),
3 (3)(b), and (3)(c) as follows:

4 **44-3-601. Suspension - revocation - fines - rules.** (1) (a) Subject
5 to subsection (8) of this section, in addition to any other penalties
6 prescribed by this article 3 or article 4 or 5 of this title 44, the state or any
7 local licensing authority has the power, on its own motion or on
8 complaint, after investigation and public hearing at which the licensee
9 shall be afforded an opportunity to be heard, to FINE A LICENSEE OR TO
10 suspend or revoke, in whole or in part, any license or permit issued by
11 such authority for any violation by the licensee or by any of the agents,
12 servants, or employees of the licensee of this article 3; any rules
13 authorized by this article 3; or any of the terms, conditions, or provisions
14 of the license or permit issued by such authority. A LICENSING AUTHORITY
15 MAY IMPOSE A FINE PURSUANT TO THIS SUBSECTION (1) REGARDLESS OF
16 WHETHER A LICENSEE HAS PETITIONED THE LICENSING AUTHORITY
17 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION FOR PERMISSION TO PAY
18 A FINE IN LIEU OF LICENSE OR PERMIT SUSPENSION, AND THE LICENSING
19 AUTHORITY NEED NOT MAKE THE FINDINGS SPECIFIED IN SUBSECTIONS
20 (3)(a)(I) AND (3)(a)(II) OF THIS SECTION. A FINE IMPOSED PURSUANT TO
21 THIS SUBSECTION (1) IS SUBJECT TO THE FINE AMOUNTS AND PAYMENT
22 REQUIREMENTS SPECIFIED IN SUBSECTIONS (3)(b) AND (3)(c) OF THIS

1 SECTION.

2 (b) Any licensing authority has the power to administer oaths and
3 issue subpoenas to require the presence of persons and the production of
4 papers, books, and records necessary to the determination of any hearing
5 that the licensing authority is authorized to conduct.

6 (3) (b) Subject to subsection (8) of this section, the fine accepted
7 BY THE LICENSEE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION OR
8 IMPOSED BY A LICENSING AUTHORITY PURSUANT TO SUBSECTION (1) OF
9 THIS SECTION shall be ~~the~~ equivalent to twenty percent of the licensee's
10 estimated gross revenues from sales of alcohol beverages during the
11 period of the proposed suspension; except that the fine must be between
12 ~~two~~ FIVE hundred and ~~five~~ ONE HUNDRED thousand dollars.

13 (c) THE METHOD OF payment of any fine pursuant to ~~the~~
14 ~~provisions of~~ this subsection (3):

15 (I) TO A LOCAL LICENSING AUTHORITY, shall be in the form of cash
16 or in the form of a certified check or cashier's check made payable to the
17 ~~state or local licensing authority; whichever is appropriate.~~

18 (II) TO THE STATE LICENSING AUTHORITY, SHALL BE IN THE FORM
19 DETERMINED BY THE STATE LICENSING AUTHORITY BY RULE.

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,
24 2020); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to conduct occurring on or after the applicable
4 effective date of this act.