

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0067.01 Christy Chase x2008

SENATE BILL 14-054

SENATE SPONSORSHIP

Balmer,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Business, Labor, & Technology
Finance

House Committees

Business, Labor, Economic, & Workforce Development
Finance

A BILL FOR AN ACT

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

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>.)

When the state or a local licensing authority issues a final decision suspending an alcohol beverage license or permit for 14 or fewer days, current law permits an alcohol beverage license or permit holder to petition the licensing authority for permission to pay a fine in lieu of the

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.

SENATE
3rd Reading Unamended
February 12, 2014

SENATE
2nd Reading Unamended
February 11, 2014

suspension. The licensing authority, in its sole discretion, may permit the licensee or permit holder to pay a fine if it is satisfied that:

- ! Public welfare and morals will not be impaired by allowing the licensee to operate during the suspension period and that payment of a fine achieves the appropriate discipline;
- ! The licensee's books and records show, with reasonable accuracy, the licensee's projected loss of sales if the suspension occurs; and
- ! The licensee has not had a license or permit suspended or revoked and has not had a suspension stayed by payment of a fine within the last 2 years.

The bill allows a licensee, regardless of the length of an ordered suspension, to petition the licensing authority for permission to pay a fine in lieu of the suspension. Additionally, the licensee may petition to pay a fine, and the licensing authority may grant the petition, regardless of whether the licensee had a license suspended or paid a fine in lieu of a suspension within the prior 2 years. The bill retains the requirement that a licensee must not have had a license or permit revoked within the prior 2 years in order to petition to pay a fine in lieu of a suspension.

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

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

4 **12-47-601. Suspension - revocation - fines.** (3) (a) Whenever a
5 decision of the state or any local licensing authority suspending a license
6 or permit ~~for fourteen days or less~~ becomes final, whether by failure of
7 the licensee to appeal the decision or by exhaustion of all appeals and
8 judicial review, the licensee may, before the operative date of the
9 suspension, petition for permission to pay a fine in lieu of ~~having~~ the
10 license or permit ~~suspended~~ **SUSPENSION** for all or part of the suspension
11 period. Upon the receipt of the petition, the state or the local licensing
12 authority may, in its sole discretion, stay the proposed suspension and
13 cause any investigation to be made ~~which~~ **THAT** it deems desirable and
14 may, in its sole discretion, grant the petition if it is satisfied that:

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

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

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

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

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.