

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-0768.01 Bart Miller x2173

HOUSE BILL 16-1151

HOUSE SPONSORSHIP

Pabon, Nordberg, Rosenthal, Singer

SENATE SPONSORSHIP

Holbert, Jahn

House Committees
Business Affairs and Labor

Senate Committees
Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF PENALTY MITIGATION UNDER THE**
102 **ALCOHOL BEVERAGE LAWS FOR VENDORS MEETING THE**
103 **DEFINITION OF A "RESPONSIBLE VENDOR" AS PROVIDED BY LAW.**

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>.)

The bill requires state and local liquor licensing authorities to consider it a mitigating factor for certain violations of the state alcohol beverage laws, including sales to minors, sales to visibly intoxicated patrons, and other violations approved by rule of the state licensing authority, if a licensee meets the requirements of a "responsible vendor"

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
March 11, 2016

SENATE
Amended 2nd Reading
March 10, 2016

HOUSE
3rd Reading Unamended
February 18, 2016

HOUSE
2nd Reading Unamended
February 16, 2016

as defined by law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-47-202, **amend**
3 (2) (a) (I) (E) as follows:

4 **12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules
5 made pursuant to paragraph (b) of subsection (1) of this section may
6 cover, but shall not be limited to, the following subjects:

7 (E) Inspections, investigations, searches, seizures, and such
8 activities as may become necessary from time to time, including a range
9 of penalties for use by licensing authorities, which shall include
10 aggravating and mitigating factors to be considered, ~~when persons under~~
11 ~~twenty-one years of age are utilized to investigate sales of alcohol~~
12 ~~beverages by liquor licensees to underage persons~~ WHEN LICENSEES'
13 EMPLOYEES VIOLATE CERTAIN PROVISIONS OF ARTICLE 46 OF THIS TITLE
14 AND THIS ARTICLE INCLUDING THE SALE OR SERVICE OF ALCOHOL
15 BEVERAGES TO PERSONS UNDER TWENTY-ONE YEARS OF AGE OR TO
16 VISIBLY INTOXICATED PERSONS;

17 **SECTION 2.** In Colorado Revised Statutes, 12-47-601, **amend**
18 (9) as follows:

19 **12-47-601. Suspension - revocation - fines.** (9) When penalizing
20 a vendor who has violated ~~section 12-47-901 (1) (a) by serving a minor~~
21 ~~during an underage compliance check~~ PROVISIONS OF ARTICLE 46 OF THIS
22 TITLE AND THIS ARTICLE THAT PROHIBIT THE SERVICE OF AN ALCOHOL
23 BEVERAGE TO A MINOR OR A VISIBLY INTOXICATED PERSON, state and local
24 licensing authorities shall consider it a mitigating factor if the vendor is
25 a responsible alcohol beverage vendor as defined by part 10 of this

1 article. IN ADDITION, THE STATE LICENSING AUTHORITY BY RULE MAY
2 INCLUDE OTHER VIOLATIONS OF ARTICLE 46 OF THIS TITLE AND THIS
3 ARTICLE THAT LICENSING AUTHORITIES SHALL CONSIDER FOR MITIGATION
4 IF THE VENDOR QUALIFIES AS A RESPONSIBLE ALCOHOL BEVERAGE
5 VENDOR.

6 **SECTION 3. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly (August 10, 2016, if adjournment sine die is on May 11,
10 2016); except that, if a referendum petition is filed pursuant to section 1
11 (3) of article V of the state constitution against this act or an item, section,
12 or part of this act within such period, then the act, item, section, or part
13 will not take effect unless approved by the people at the general election
14 to be held in November 2016 and, in such case, will take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to violations of articles 46 and 47 of title 12,
17 Colorado Revised Statutes, occurring on or after the applicable effective
18 date of this act.