

First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0185.01 Jery Payne

HOUSE BILL 01-1123

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HOUSE SPONSORSHIP

Spradley

SENATE SPONSORSHIP

McElhany

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House Committees

Local Government

Senate Committees

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A BILL FOR AN ACT

101     **CONCERNING THE AUTHORITY OF A LOCAL LIQUOR LICENSING**  
102             **AUTHORITY TO AUTHORIZE THE PERSONAL TRANSPORTATION OF**  
103             **AN ALCOHOL BEVERAGE FROM A RETAIL GAMING TAVERN TO**  
104             **ANOTHER RETAIL GAMING TAVERN.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Authorizes a local liquor licensing authority to authorize the personal transportation of an alcohol beverage from a retail gaming tavern to another retail gaming tavern so long as the transportation is within a limited gaming district.

Makes conforming amendments.

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.*

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

2           **SECTION 1.** 12-47-309, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4           **12-47-309. Local licensing authority - applications - optional**  
5 **premises licenses - authorization to transport alcohol.** (4) (a) A LOCAL  
6 LICENSING AUTHORITY MAY AUTHORIZE THE PERSONAL TRANSPORTATION  
7 OF AN ALCOHOL BEVERAGE FROM THE PREMISES OF A RETAIL GAMING  
8 TAVERN LICENSEE TO THE PREMISES OF ANOTHER RETAIL GAMING TAVERN  
9 LICENSEE, OR TO OTHER LICENSED PREMISES OWNED BY THE SAME RETAIL  
10 GAMING TAVERN LICENSEE, SO LONG AS SUCH AUTHORIZED  
11 TRANSPORTATION IS WITHIN A LIMITED GAMING DISTRICT CREATED  
12 PURSUANT TO SECTION 9 (3) OR 9 (6) OF ARTICLE XVIII OF THE COLORADO  
13 CONSTITUTION.

14           (b) IF SUCH PERSONAL TRANSPORTATION IS AUTHORIZED WITHIN  
15 SUCH DISTRICT, A RETAIL GAMING TAVERN LICENSEE IN SUCH DISTRICT  
16 SHALL POST A SIGN ADVISING OF THE GEOGRAPHICAL LIMITS OF SUCH  
17 AUTHORIZED PERSONAL TRANSPORTATION.

18           (c) NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO  
19 AUTHORIZE THE PERSONAL TRANSPORTATION OF ALCOHOL BEVERAGES BY  
20 MOTOR VEHICLE IN ANY MANNER NOT OTHERWISE PERMITTED BY STATE  
21 LAW.

22           **SECTION 2.** 12-47-414 (1), Colorado Revised Statutes, is  
23 amended to read:

24           **12-47-414. Retail gaming tavern license.** (1) A retail gaming  
25 tavern license shall be issued to persons who are licensed pursuant to  
26 section 12-47.1-501 (1) (c), who sell malt, vinous, or spirituous liquors by

1 individual drink for consumption on the premises OF A RETAIL GAMING  
2 TAVERN, and who sell sandwiches or light snacks or who contract with an  
3 establishment that provides such food services within the same building  
4 as the licensed premises. In no event shall any person hold more than  
5 three retail gaming tavern licenses.

6 **SECTION 3.** 12-47-901 (1) (h), Colorado Revised Statutes, is  
7 amended to read:

8 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided  
9 in section 18-13-122, C.R.S., it is unlawful for any person:

10 (h) (I) (A) To consume malt, vinous, or spirituous liquor in any  
11 public place except on any licensed premises permitted under this article  
12 to sell such liquor by the drink for consumption thereon;

13 (B) To consume any alcohol beverage upon any premises licensed  
14 to sell liquor for consumption on the licensed premises, the sale of which  
15 is not authorized by the state licensing authority;

16 (C) To consume alcohol beverages at any time on such premises  
17 other than such alcohol beverage as is purchased from such establishment,  
18 UNLESS SUCH CONSUMPTION IS AUTHORIZED PURSUANT TO SECTION  
19 12-47-309 (4); or

20 (D) To consume alcohol beverages in any public room on such  
21 premises during such hours as the sale of such beverage is prohibited  
22 under this article.

23 (II) Notwithstanding subparagraph (I) of this paragraph (h), it shall  
24 not be unlawful for a person who is at least twenty-one years of age to  
25 consume malt, vinous, or spirituous liquors while such person is a  
26 passenger aboard a luxury limousine, as defined in section 40-16-101 (3),  
27 C.R.S., or a charter or scenic bus, as defined in section 40-16-101 (1.3),

1 C.R.S. Nothing in this subparagraph (II) shall be construed to authorize  
2 an owner or operator of a luxury limousine or charter or scenic bus to sell  
3 or distribute malt, vinous, or spirituous liquors without obtaining a public  
4 transportation system license pursuant to section 12-47-419.

5 **SECTION 4. Effective date - applicability.** This act shall take  
6 effect July 1, 2001, and shall apply to acts occurring on or after said date.

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