

HB21-1027

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Roberts

1 Amend printed bill, page 2, before line 7 insert:

2 "SECTION 2. In Colorado Revised Statutes, 44-3-103, **add**
3 (11.5) as follows:

4 **44-3-103. Definitions.** As used in this article 3 and article 4 of
5 this title 44, unless the context otherwise requires:

6 (11.5) "COMMUNAL OUTDOOR DINING AREA" MEANS AN OUTDOOR
7 SPACE THAT IS USED FOR FOOD AND ALCOHOL BEVERAGE SERVICE BY TWO
8 OR MORE LICENSEES LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF
9 THIS TITLE 44 AS A:

10 (a) TAVERN;

11 (b) HOTEL AND RESTAURANT;

12 (c) BREW PUB;

13 (d) DISTILLERY PUB;

14 (e) VINTNER'S RESTAURANT;

15 (f) BEER AND WINE LICENSEE;

16 (g) MANUFACTURER THAT OPERATES A SALES ROOM AUTHORIZED
17 UNDER SECTION 44-3-402 (2) OR (7);

18 (h) BEER WHOLESALER THAT OPERATES A SALES ROOM UNDER
19 SECTION 44-3-407 (1)(b)(I);

20 (i) LIMITED WINERY;

21 (j) LODGING AND ENTERTAINMENT FACILITY;

22 (k) OPTIONAL PREMISES; OR

23 (l) FERMENTED MALT BEVERAGE RETAILER LICENSED FOR
24 CONSUMPTION ON THE PREMISES.

25 **SECTION 3.** In Colorado Revised Statutes, **add** 44-3-912 as
26 follows:

27 **44-3-912. Communal outdoor dining areas - permit required**
28 **- rules.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
29 3 OR ARTICLE 4 OF THIS TITLE 44 AND SUBJECT TO THE APPROVAL OF THE
30 STATE AND LOCAL LICENSING AUTHORITIES, A COMMUNAL OUTDOOR
31 DINING AREA MAY BE SHARED BY TWO OR MORE PERSONS LICENSED FOR
32 ON-PREMISES CONSUMPTION, INCLUDING AN APPROVED SALES ROOM,
33 UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44.

34 (2) A LICENSEE SHALL NOT SELL OR SERVE ALCOHOL BEVERAGES
35 IN A COMMUNAL OUTDOOR DINING AREA UNLESS:

36 (a) THE LICENSEE OBTAINS A PERMIT FROM THE STATE LICENSING
37 AUTHORITY AND PAYS THE PERMITTING FEE ESTABLISHED BY RULE; AND

38 (b) THE STATE AND LOCAL LICENSING AUTHORITIES HAVE FIRST
39 APPROVED:

1 (I) ATTACHING THE LICENSE TO THE COMMUNAL OUTDOOR DINING
2 AREA; AND

3 (II) A MODIFICATION OF THE LICENSED PREMISES OF EACH
4 ATTACHED LICENSEE TO INCLUDE THE COMMUNAL OUTDOOR DINING AREA.

5 (3) THIS SECTION DOES NOT APPLY TO A SPECIAL EVENT PERMIT
6 ISSUED UNDER ARTICLE 5 OF THIS TITLE 44 OR THE HOLDER OF THE PERMIT
7 UNLESS THE PERMIT HOLDER HOLDS A SPECIAL EVENT AT AN EXISTING
8 COMMUNAL OUTDOOR DINING AREA AND AGREES IN WRITING TO THE
9 REQUIREMENTS OF THIS ARTICLE 3 FOR AND THE LOCAL LICENSING
10 AUTHORITY FOR THE COMMUNAL OUTDOOR DINING AREA.

11 (4) TO BE APPROVED, A COMMUNAL OUTDOOR DINING AREA MUST
12 BE WITHIN ONE THOUSAND FEET OF THE PERMANENT LICENSED PREMISES
13 OF EACH OF THE LICENSES ATTACHED TO THE COMMUNAL OUTDOOR
14 DINING AREA. THIS DISTANCE MUST BE COMPUTED BY DIRECT
15 MEASUREMENT, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS, FROM THE
16 NEAREST PROPERTY LINE OF THE LAND USED FOR THE COMMUNAL
17 OUTDOOR DINING AREA TO THE NEAREST PORTION OF THE BUILDING
18 WHERE THE PERMANENT LICENSED PREMISES IS LOCATED.

19 (5) IF A VIOLATION OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE
20 44 OCCURS WITHIN A COMMUNAL OUTDOOR DINING AREA AND THE
21 LICENSEE RESPONSIBLE FOR THE VIOLATION CAN BE IDENTIFIED, THAT
22 LICENSEE IS SUBJECT TO DISCIPLINE AS SET FORTH IN SECTION 44-3-601. IF
23 THE LICENSEE RESPONSIBLE FOR THE VIOLATION CANNOT BE IDENTIFIED,
24 EACH ATTACHED LICENSEE IS DEEMED JOINTLY RESPONSIBLE AND SUBJECT
25 TO DISCIPLINE FOR THE VIOLATION.

26 (6) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
27 GOVERNING COMMUNAL OUTDOOR DINING AREAS, INCLUDING RULES
28 GOVERNING:

29 (a) APPLICATIONS;

30 (b) MODIFICATION OF THE LICENSED PREMISES TO INCLUDE A
31 COMMUNAL OUTDOOR DINING AREA;

32 (c) SUPERVISION AND CONTROL OF THE COMMUNAL OUTDOOR
33 DINING AREA BY THE ATTACHED LICENSEES;

34 (d) SUBMISSION TO AND APPROVAL OF SECURITY AND CONTROL
35 PLANS BY THE STATE AND LOCAL LICENSING AUTHORITIES;

36 (e) REMOVAL OF ALCOHOL BEVERAGES FROM THE COMMUNAL
37 OUTDOOR DINING AREA;

38 (f) SPECIAL EVENTS HELD WITHIN A COMMUNAL OUTDOOR DINING
39 AREA; AND

40 (g) INSURANCE REQUIREMENTS.

41 **SECTION 4.** In Colorado Revised Statutes, 44-3-501, **amend**
42 (3)(a)(XVII) and (3)(a)(XVIII); and **add** (3)(a)(XIX) as follows:

43 **44-3-501. State fees - rules - one-time fee waiver - repeal.**

44 (3)(a) The state licensing authority shall establish fees for processing the
45 following types of applications, notices, or reports required to be

1 submitted to the state licensing authority:
2 (XVII) Applications for manager's permits pursuant to section
3 44-3-427; and
4 (XVIII) Applications for the renewal of a license or permit issued
5 in accordance with this article 3; AND
6 (XIX) APPLICATIONS FOR A PERMIT FOR OR ATTACHMENT TO A
7 COMMUNAL OUTDOOR DINING AREA OR FOR MODIFICATION OF A LICENSED
8 PREMISES TO INCLUDE A COMMUNAL OUTDOOR DINING AREA.
9 **SECTION 5.** In Colorado Revised Statutes, 44-3-505, **add** (6) as
10 follows:
11 **44-3-505. Local license fees.** (6) THE LOCAL LICENSING
12 AUTHORITY MAY CHARGE A FEE TO APPROVE THE ATTACHMENT TO A
13 COMMUNAL OUTDOOR DINING AREA OR FOR MODIFICATION OF A LICENSED
14 PREMISES TO INCLUDE A COMMUNAL OUTDOOR DINING AREA. THE LOCAL
15 LICENSING AUTHORITY SHALL SET THE FEE IN AN AMOUNT TO COVER THE
16 DIRECT AND INDIRECT COSTS OF ADMINISTERING THE APPROVAL."
17 Renumber succeeding section accordingly.

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