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### Authorizing the Termination of a Fermented Malt Beverage or Liquor Retail License for Inactivity or Failure to Construct Premises.

Colorado General Assembly

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#### Recommended Citation

Colorado General Assembly, "Authorizing the Termination of a Fermented Malt Beverage or Liquor Retail License for Inactivity or Failure to Construct Premises." (1976). *Session Laws 1951-2000*. 7036. <https://scholar.law.colorado.edu/session-laws-1951-2000/7036>

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## CHAPTER 67

## PROFESSIONS AND OCCUPATIONS

## FERMENTED MALT BEVERAGES

SENATE BILL NO. 9, BY SENATORS Minister, Allshouse, Anderson, Kadlecck, and Cisneros; also REPRESENTATIVES DeMoulin, Barragan, Boley, Flett, Gustafson, Marks, Munson, and Kopel.

## AN ACT

AUTHORIZING THE TERMINATION OF A FERMENTED MALT BEVERAGE OR LIQUOR RETAIL LICENSE FOR INACTIVITY OR FAILURE TO CONSTRUCT PREMISES.

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

Section 1. 12-46-106 (7), Colorado Revised Statutes 1973, as amended by Senate Bill No. 99, enacted at the Second Regular Session of the Fiftieth General Assembly and approved by the Governor on April 29, 1976, is amended to read:

**12-46-106. Licensing — general provisions.** (7) (a) No licenses shall be refused arbitrarily or without good cause, and any such refusal may be reviewed upon application for judicial review to any district court of the state having jurisdiction of the place where the license is proposed to be exercised.

(b) A LICENSING AUTHORITY, STATE OR LOCAL, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW A RETAIL LICENSE IF IT DETERMINES THAT THE LICENSED LOCATION HAS BEEN INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR OR, IN THE CASE OF A RETAIL LICENSE APPROVED FOR A FACILITY WHICH HAS NOT BEEN CONSTRUCTED, SUCH FACILITY HAS NOT BEEN CONSTRUCTED AND PLACED IN OPERATION WITHIN TWO YEARS OF APPROVAL OF THE LICENSE APPLICATION OR CONSTRUCTION OF THE FACILITY HAS NOT COMMENCED WITHIN ONE YEAR OF SUCH APPROVAL.

Section 2. 12-47-110 (1), Colorado Revised Statutes 1973, as amended by Senate Bill No. 65, enacted at the Second Regular Session of the Fiftieth General Assembly and approved by the Governor on April 29, 1976, is amended to read:

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**12-47-110. Suspension and revocation.** (1) In addition to any other penalties prescribed by this article, the state or any local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the provisions of this article, or any of the rules or regulations authorized pursuant to this article or of any of the terms, conditions, or provisions of the license issued by such authority. IN ADDITION, ANY STATE OR LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW A RETAIL LICENSE IF IT DETERMINES THAT THE LICENSED LOCATION HAS BEEN INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR OR, IN THE CASE OF A RETAIL LICENSE APPROVED FOR A FACILITY WHICH HAS NOT BEEN CONSTRUCTED, SUCH FACILITY HAS NOT BEEN CONSTRUCTED AND PLACED IN OPERATION WITHIN TWO YEARS OF APPROVAL OF THE LICENSE APPLICATION OR CONSTRUCTION OF THE FACILITY HAS NOT COMMENCED WITHIN ONE YEAR OF SUCH APPROVAL. Any licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the licensing authority is authorized to conduct.

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

**Editor's note:** Although this act does not contain an effective date, this bill amends Senate Bills Nos. 65 and 99, which are effective, July 1, 1976; therefore, this act (Senate Bill No. 9) is not effective or operative until July 1, 1976.

Approved: April 30, 1976