

§ 12-47-903. Violations - penalties.

**Colorado Statutes**

**Title 12. PROFESSIONS AND OCCUPATIONS**

**GENERAL - Continued**

**Article 47. Alcohol Beverages**

**Part 9. UNLAWFUL ACTS - ENFORCEMENT**

*Current through Chapter 420 of the 2014 Legislative Session*

**§ 12-47-903. Violations - penalties**

- (1) (a) Any person violating any of the provisions of this article or article 46 or 48 of this title or any of the rules and regulations authorized and adopted pursuant to such articles is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars for each offense.
- (b) The penalties provided in this section shall not be affected by the penalties provided in any other section of this article or article 46 or 48 of this title but shall be construed to be in addition to any other penalties.
- (2) Any person violating any of the provisions of section 12-47-901(1) (a), (1) (f), (1) (g), (1) (i), (1) (k), (1) (l), (5) (a) (l), or (5) (b) or section 12-47-902.5 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 , C.R.S.
- (2.5) A person violating the provisions of section 12-47-901(1) (a.5) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501 , C.R.S.
- (3) Any person violating any of the provisions of section 12-47-901(1) (b) or (1) (c) commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 , C.R.S. For the second conviction and for all subsequent convictions of violating the provisions of section 12-47-901(1) (b) or (1) (c), the court shall impose at least the minimum fine and shall have no discretion to suspend any fine so imposed; except that the court may provide for the payment of such fine as provided in subsection (4) of this section.
- (4) At the discretion of the court, the fines provided for violations of section 12-47-901(1) (b) and (1) (c) may be ordered to be paid by public work only at a reasonable hourly rate to be established by the court who shall designate the time within which such public work is to be completed.
- (5) Any person who knowingly violates the provisions of section 12-47-901(1) (a.5), (1) (d), or (1) (k) or any person who knowingly induces, aids, or encourages a person under the age of eighteen years to violate the provisions of section 12-47-901(1) (a.5), (1) (b), or (1) (c) may be proceeded against pursuant to section 18-6-701 , C.R.S., for contributing to the delinquency of a minor.

**Cite as C.R.S. § 12-47-903**

**History.** L. 97: Entire article amended with relocations, p. 295, § 3, effective July 1; (5) amended, p. 1540, § 5,

effective July 1. L. 2002: (2) and (3) amended, p. 1482, § 93, effective October 1. L. 2005: (2) amended, p. 388, § 2, effective July 1; (2.5) added, p. 1244, § 4, effective July 1. L. 2007: (5) amended, p. 1686, § 1, effective July 1.

**Editor's Note:**

*This section is similar to former § 12-47-130 as it existed prior to 1997.*

**Case Notes:**

**ANNOTATION**

**Law reviews.** For article, "One Year Review of Agency, Partnerships, Corporations, and Municipal Corporations", see 41 Den. L. Ctr. J. 61 (1964).

**Annotator's note.** Since § 12-47-903 is similar to § 12-47-130 as it existed prior to the 1997 amendment of title 12, articles 46 and 47, which resulted in the relocation of provisions, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

**General assembly intended subsection (5) to apply to violations of §12-47-901(1) (a.5).** The time between the 2005 and 2007 amendment when paragraph (a.5) was not listed in subsection (5) did not manifest an intent to exclude application. *People v. Davis*, 218 P.3d 718 (Colo. App. 2008).

**Authority granted to director to define criminal conduct is not an unconstitutional delegation of legislative authority.** Although the general assembly may not delegate to an administrative agency the power to define criminal conduct, it may authorize the agency to adopt rules carrying criminal sanctions as long as the statutory scheme provides sufficient standards and safeguards to protect against the unreasonable exercise of discretionary power and offers adequate notice of the penalties applicable to a violator. *People v. Lowrie*, 761 P. 2d 778 (Colo. 1988).

**Due to general assembly's specification.** The general assembly has specifically directed that revocation of the license under this section cannot be effected in the absence of a conviction of an offense described as a misdemeanor by this section. *Bunzel v. City of Golden*, 151 Colo. 352, 378 P.2d 208 (1963).

**Procedures for the revocation by a city of a license to sell 3.2 percent beer are controlled by this section.** *Bunzel v. City of Golden*, 151 Colo. 352, 378 P.2d 208 (1963).

**In the absence of a conviction of violation of this section a city is without power to revoke license to sell 3.2 beer.** *Bunzel v. City of Golden*, 151 Colo. 352, 378 P.2d 208 (1963).

**Applicability of liquor code.** The provisions of this article do not apply to third persons who are not applicants of licensees and whose conduct does not violate specific provisions of this article but does violate specific provisions of the criminal code. *People v. Eckley*, 775 P.2d 566 (Colo. 1989).

**Prosecutorial discretion for violations of the liquor code** is limited to the specific punishment provisions of the code unless otherwise indicated. *People v. Bagby*, 734 P.2d 1059 (Colo. 1987).

**Applied** in *C.V. Enters., Inc. v. State, Dept. of Rev.*, 42 Colo. App. 337, 593 P.2d 984 (1979); *People v. Luciano*, 662 P.2d 480 (Colo. 1983).

**Cross References:**

For the legislative declaration contained in the 2002 act amending subsections (2) and (3), see section 1 of chapter 318, Session Laws of Colorado 2002. For the legislative declaration contained in the 2005 act enacting subsection (2.5), see section 1 of chapter 282, Session Laws of Colorado 2005.