

**Senate Bill 16-197 Working Group  
Legislative Report Recommendation Form**

**1. Work Group Sponsor (s):**

Micki Hackenberger – Wine & Spirits Wholesalers of Colorado

**2. Describe the Recommendation:**

To ensure that proper tax is reported and collected on all wine, beer, or distilled spirits entering Colorado through any railroad company, express company, common or contract carrier. (Please see attached model language)

**3. Which portion or portions of Senate Bill 16-197 does this recommendation address (underline all those that apply)?**

- a. Develop an implementation process for grocery and convenience stores to apply for a license to sell malt liquor and fermented malt beverages containing at least one-half percent alcohol by volume starting January 1, 2019.
- b. Analyze the impact that removing the alcohol content limit on fermented malt beverages will have on the alcohol beverage industry as a whole, as well as on current retail licensees.
- c. Legislative, regulatory, or administrative changes necessary to promote the three-tiered distribution system in Colorado.
- d. Laws governing tastings conducted on retail premises licensed under article 47 of this title and the ability of retail liquor stores licensed under section 12-47-407 to sell growlers containing malt liquors.

**4. Please summarize the rationale for the recommendation – why is it important?**

This is important to ensure that the proper tax is collected in all beer, wine and spirit shipments entering Colorado

**5. What issue or issues does your recommendation resolve? Please identify the issues.**

Currently, there is not a comprehensive reporting structure in place for carriers when they are shipping beer, wine or spirits in to Colorado.

**6. What stakeholders would be positively or negatively impacted by this recommendation, and how would they be impacted?**

NA

7. Which of the following does the recommendation impact (underline those that apply):

- a. Statute (legislation)
- b. Policy
- c. Rules and Regulations
- d. Other: *(please describe)*

8. Who owns implementation of the recommendation (underline those that apply):

- a. State Legislature
- b. Department of Revenue
- c. Local Government
- d. Other: *(please describe)*

9. Is there a dissenting voice on the working group concerning this recommendation? If yes, please provide a summary of the minority opinion about this recommendation.

N/A

10. Are you aware of any statutory authority or regulation that supports the basis of this recommendation? If yes, please include it here.

11. Is the implementation of your recommendation dependent on another decision or action? If yes, specifically what actions or decisions are required before this recommendation can be implemented?

No

12. Will the recommendation have a cost to implement? If yes, please explain the reason for the cost and provide an estimate.

No

13. Provide an estimate of how long it would take to implement the recommendation.

N/A

## **Model Carrier Reporting Requirement**

It shall be the duty of every railroad company, express company, common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine, beer or distilled spirits [as defined by the state] from outside the State for delivery in the State to consumers, to prepare and file monthly with the Department [or on the same timeline as for licensed shippers of wine, beer or distilled spirits], a report of known wine, beer or distilled spirits shipments containing the name of the railroad company, express company, common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and business address of the consignor of such wine, beer or distilled spirits, the name and address of each consignee of such wine, beer or distilled spirits, the weight of the package delivered to each consignee, a unique tracking number, and the date of delivery. Reports received by the Department shall be made available by the Department to the public via the FOIA process in the same manner as other state alcohol filings.

Upon the Department's request, any records supporting the report, shall be made available to the Department within a reasonable time after the Department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two years, unless their destruction sooner is authorized, in writing, by the Department, and shall be open and available to inspection by the Department upon the Department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

Any railroad company, express company, common or contract carrier who willfully fails to make reports as provided by this section or any of the rules and regulations of the Department for the administration and enforcement of this section is subject to a notification of violation. In the case of a continuing failure to make reports, the railroad company, express company, common or contract carrier is subject to possible license suspension and revocation [if applicable based on state licensure requirements] at the Department's discretion. -