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HOUSE BILL 599

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Thomas A. Garcia

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROHIBITING ADMINISTRATIVE  
SANCTIONS AGAINST LICENSEES FOR CERTAIN ALLEGED VIOLATIONS WHEN  
CRIMINAL CHARGES HAVE BEEN DISMISSED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 60-6C-1 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 97, as amended) is amended to read:

"60-6C-1. GROUNDS FOR SUSPENSION, REVOCATION OR  
ADMINISTRATIVE FINE--REPORTING REQUIREMENT.--

A. Except as provided in Subsection C of this  
section, the director may suspend or revoke the license or  
permit or fine the licensee in an amount not more than ten  
thousand dollars (\$10,000), or both, when ~~he~~ the director  
finds that ~~any~~ a licensee has:

- (1) violated any provision of the Liquor

underscoring material = new  
~~[bracketed material] = delete~~

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1 Control Act or any [~~regulation~~] rule or order promulgated  
2 pursuant to that act;

3 (2) been convicted of a felony pursuant to the  
4 provisions of the Criminal Code, the Liquor Control Act or  
5 federal law; or

6 (3) permitted [~~his~~] the licensee's licensed  
7 premises to remain a public nuisance in the neighborhood where  
8 it is located after written notice from the director that  
9 investigation by the department has revealed that the  
10 establishment is a public nuisance in the neighborhood.

11 B. Except as provided in Subsection C of this  
12 section, the director shall suspend or revoke the license or  
13 permit and may fine the licensee in an amount not to exceed ten  
14 thousand dollars (\$10,000), or both, when [~~he~~] the director  
15 finds that any licensee or:

16 (1) [~~his~~] the licensee's employee or agent  
17 knowingly has sold, served or given [~~any~~] an alcoholic beverage  
18 to a minor in violation of Section 60-7B-1 NMSA 1978 or to an  
19 intoxicated person in violation of Section 60-7A-16 NMSA 1978,  
20 on two separate occasions within any twelve-month period; or

21 (2) [~~his~~] the licensee's agent has made any  
22 material false statement or concealed any material facts in  
23 [~~his~~] the licensee's application for the license or permit  
24 granted [~~him~~] the licensee pursuant to the provisions of the  
25 Liquor Control Act.

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C. The director shall not take an action to suspend or revoke a license or fine a licensee for a violation identified in Paragraph (1) of Subsection B of this section if a criminal charge for the same violation has been dismissed.

[~~G.—Any~~] D. A licensee aggrieved by a revocation, suspension or fine proposed to be imposed by the director pursuant to this section shall be entitled to the hearing procedures set forth in Chapter 60, Article 6C NMSA 1978 before the revocation, suspension or fine shall be effective.

[~~D.—Any~~] E. A charge filed against a licensee by the department and the resulting disposition of the charge shall be reported to the department of public safety and local law enforcement agencies whose jurisdictions include the licensed establishment."