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AB-2459 Alcoholic beverage licenses: Counties of Mariposa and Napa. (2019-2020)

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Assembly Bill No. 2459

CHAPTER 53

An act to amend Section 23826.10 of, and to add Section 23826.15 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 09, 2020. Filed with Secretary of State September 09, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2459, Bigelow. Alcoholic beverage licenses: Counties of Mariposa and Napa.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Existing law generally prescribes the number of on-sale general licenses that the department may issue based on the population of the county in which the licensed premises are located, as provided. Existing law supplements these licenses by authorizing the department to issue additional on-sale general licenses in specified counties to bona fide public eating places based on seating capacity.

This bill would authorize the department to issue up to 10 additional new original on-sale general licenses for bona fide public eating places in the County of Mariposa that have a seating capacity for 50 or more diners, not to exceed 5 per year. The bill would authorize the Board of Supervisors of the County of Mariposa to determine the number of licenses to be issued under this section in a given year, as provided. The bill would specify that a person holding a valid on-sale general license for seasonal business is not prohibited from applying for licenses to be issued pursuant to this authorization. The bill would prohibit transferring the new licenses out of the county or to a premises that does not qualify under these provisions. The bill would also prohibit selling or transferring the new licenses for a price greater than the original fee paid by the seller or transferor.

This bill would also authorize the department, commencing January 1, 2021, to issue up to 10 additional new original on-sale general licenses per year to bona fide public eating places in the County of Napa that have a seating capacity for 25 or more diners. The bill would limit this authorization to a 5-year period. For specified additional on-sale general licenses issued on and after January 1, 2021, in the County of Napa, the bill would prohibit their sale or transference for a price greater than the original fee paid by the seller or transferor.

This bill provides that the department may designate specified existing licenses and the new licenses described above as on-sale general for special use.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Mariposa and Napa.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 23826.10 of the Business and Professions Code is amended to read:

23826.10. (a) (1) Notwithstanding any other provision of this chapter, in any county of the 29th class, commencing January 1, 2009, the department may issue five additional new original on-sale general licenses for bona fide public eating places per year, for a period of three years. Any premises to qualify for a license under this paragraph shall have a seating capacity for 50 or more diners. In no event shall more than 15 on-sale general licenses for bona fide eating places be issued under this paragraph.

(2) Notwithstanding any other provision of this chapter, in any county of the 29th class, the department, in addition to those licenses issued pursuant to paragraph (1), may issue no more than a total of five additional new original on-sale general licenses for bona fide public eating places from January 1, 2017, to December 31, 2017, inclusive. Any premises to qualify for a license under this paragraph shall have a seating capacity for 25 or more diners.

(3) Notwithstanding any other provision of this chapter, in any county of the 29th class, commencing January 1, 2018, in addition to those licenses issued pursuant to paragraphs (1) and (2), the department may issue five additional new original on-sale general licenses for bona fide public eating places per year, for a period of four years. Any premises to qualify for a license under this paragraph shall have a seating capacity for 25 or more diners. In no event shall more than 20 on-sale general licenses for bona fide eating places be issued under this paragraph.

(4) Notwithstanding any other provision of this chapter, in any county of the 29th class, commencing January 1, 2021, in addition to those licenses issued pursuant to paragraphs (1) to (3), inclusive, the department may issue 10 additional new original on-sale general licenses for bona fide public eating places per year, for a period of five years. Any premises to qualify for a license under this paragraph shall have a seating capacity for 25 or more diners.

(b) In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

(c) Nothing in this chapter shall prohibit a person who currently holds a valid on-sale general license for seasonal business from applying for an original on-sale general license pursuant to this section.

(d) (1) A license issued under this section shall not be transferred from one county to another nor shall it be transferred to any premises not qualifying under this section.

(2) A license issued under paragraph (3) or paragraph (4) of subdivision (a) on and after January 1, 2021, shall not be sold or transferred for a price greater than the original fee paid by the seller or transferor.

(e) The department may designate licenses issued pursuant to this section as on-sale general for special use. This designation does not alter any license privileges or restrictions established by this section.

SEC. 2. Section 23826.15 is added to the Business and Professions Code, to read:

23826.15. (a) Notwithstanding any other provision of this chapter, in the County of Mariposa, the department may issue no more than a total of 10 additional new original on-sale general licenses for bona fide public eating places. To qualify for a license under this section, the premises upon which a bona fide public eating place is operated shall have a seating capacity for 50 or more diners.

(b) The Board of Supervisors of the County of Mariposa, by resolution, may specify the maximum number of licenses to be issued under this section in any year, not to exceed five. Such a resolution shall be effective for one year and shall be adopted and submitted to the department no later than July 1 of the year to which the resolution applies. The department shall not issue more than five licenses under this section per year. In the event that the board of supervisors fails to submit a resolution under this subdivision by July 1 of any year, the department may issue any licenses that have not been issued under this section during that year.

(c) In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

(d) This chapter does not prohibit a person that currently holds a valid on-sale general license for seasonal business from applying for an original on-sale general license pursuant to this section.

(e) (1) A license issued under this section shall not be transferred from one county to another, nor shall it be transferred to any premises not qualifying under this section.

(2) A license issued under this section shall not be sold or transferred for a price greater than the original fee paid by the seller or transferor.

(f) The department may designate licenses issued pursuant to this section as on-sale general for special use. This designation does not alter any license privileges or restrictions established by this section.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the economies of the County of Mariposa and the County of Napa.