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SB-298 Brewpub-restaurant licenses: bona fide public eating place license. (2021-2022)

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Senate Bill No. 298

CHAPTER 980

An act to add Section 24072.3 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 298, Dodd. Brewpub-restaurant licenses: bona fide public eating place license.

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 prescribes a schedule of application and other fees for different license types and distinguishes between new licenses and duplicate licenses. Existing law authorizes the exchange of specified licenses, subject to the approval of the department, payment of a \$100 exchange fee, and compliance with all other relevant provisions of the act.

This bill would authorize any person that has a brewpub-restaurant license to exchange that license for a bona fide public eating place license subject to the approval of the department, payment of a \$100 exchange fee, compliance with other relevant provisions of the act relating to the issuance of an original license, and the payment of the fee required for a new permanent license for an on-sale general eating place. The bill would specify that these provisions apply only to a person that has held a brewpub-restaurant license since on or before December 31, 2019. The bill would authorize the department to adjust the fee required for the exchange of the license, as specified. The bill would authorize the department to designate a license issued pursuant to these provisions as an on-sale general license for special use, as specified. The bill would prohibit a license issued pursuant to these provisions from being sold or transferred for an amount greater than a specified price.

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

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

SECTION 1. Section 24072.3 is added to the Business and Professions Code, to read:

24072.3. (a) (1) Any person that has a brewpub-restaurant license may exchange that license for a bona fide public eating place license, as defined in Section 23038. The exchange may be made at any time upon the approval of the department, the payment of an exchange fee of one hundred dollars (\$100), and compliance with the provisions of this division relating to the issuance of an original license.

(2) This section shall only apply to a person that has held a brewpub-restaurant license since on or before December 31, 2019.

(b) (1) The fee established in subdivision (a) may be adjusted by the department pursuant to subdivisions (d) and (e) of Section 23320.

(2) A person that exchanges a license pursuant to this section shall be required to pay the fee required for a new permanent license as set forth in Section 23320 for an on-sale general eating place.

(3) All money collected from the fee provided for in this section shall be deposited directly in the Alcohol Beverage Control Fund as provided in Section 25761.

(c) (1) The department may designate a license issued pursuant to this section as an on-sale general license for special use. A designation pursuant to this subdivision shall not alter any license privileges or restrictions otherwise established by this section.

(2) An on-sale general license for special use issued pursuant this section shall be excluded from the number of on-sale general licenses available under Sections 23816 and 23821.

(d) A license issued pursuant to this section shall not be sold or transferred for a price greater than the fee paid by the seller or transferor under paragraph (2) of subdivision (b).

(e) For purposes of this section, "brewpub-restaurant license" means a license described in Section 23396.3.