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SB-787 Number of licensed premises: County of Nevada. (2023-2024)

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Date Published: 07/25/2023 09:00 PM

Senate Bill No. 787

CHAPTER 113

An act to add Section 23826.18 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 21, 2023. Filed with Secretary of State July 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 787, Dahle. Number of licensed premises: County of Nevada.

Existing law, the Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. Existing law limits the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located.

This bill would provide an exception to the limitation described above by authorizing the issuance of up to 10 additional new original on-sale general licenses for bona fide public eating places in the County of Nevada. The bill would prohibit the department from issuing more than 4 of these licenses per year. 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 make legislative findings and declarations as to the necessity of a special statute for the County of Nevada.

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

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

SECTION 1. Section 23826.18 is added to the Business and Professions Code, to read:

23826.18. (a) Notwithstanding any other provision of this chapter, in the County of Nevada, the department may issue no more than a total of 10 additional new original on-sale general licenses for bona fide public eating places. The department shall not issue more than four licenses under this section per year.

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

(c) 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.

(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 this section 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. 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 economy of the County of Nevada that apply only to that county.