

Assembly Bill No. 2266

CHAPTER 130

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

[Approved by Governor July 16, 2008. Filed with
Secretary of State July 16, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2266, Evans. Alcoholic beverages: licenses.

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. The act also provides for a limitation on 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, as provided.

This bill would provide an exception to this limitation for a county of the 29th class, as specified. The bill makes legislative findings and declarations regarding the necessity of a special statute.

The people of the State of California do enact as follows:

SECTION 1. Section 23826.10 is added to the Business and Professions Code, to read:

23826.10. (a) 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 section 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 section.

(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) 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.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances of the economy of the county of the 29th class specified in

Section 1, that are applicable only to the county of the 29th class, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and, therefore, this special statute is necessary.