

Assembly Bill No. 593

Passed the Assembly September 6, 2013

Chief Clerk of the Assembly

Passed the Senate September 3, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 23986, 24013, and 24014 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 593, Quirk. Alcoholic beverages: Department of Alcoholic Beverage Control.

(1) The Alcoholic Beverage Control Act is administered by the Department of Alcoholic Beverage Control and requires the department to perform various duties relating to the issuance of alcoholic beverage licenses.

The Alcoholic Beverage Control Act requires specified applicants for on-sale or off-sale licenses to have a notice of the application published, as provided.

This bill would exempt from that requirement applicants that are required to provide specified notices via mail of applications for licenses, including retail licenses, and transfer of licenses, as provided.

(2) Existing law provides that protests against the issuance of a liquor license may be filed with the department. Existing law permits the Department of Alcoholic Beverage Control to reject protests, except protests made by a public agency, public official, or governing body of a city or county, if it determines to be false, vexatious, or without reasonable or probable cause.

This bill would require the department, by January 1, 2016, to promulgate regulations regarding responding to protests filed under these provisions. The bill would also require a protest submitted by a person other than an employee of the department or a public officer to be submitted by an individual and limit the protest to one signatory.

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

SECTION 1. Section 23986 of the Business and Professions Code is amended to read:

23986. (a) Any applicant for an on-sale license shall cause a notice of the application, giving the name or names of the applicant

and the premises where the business is to be conducted, to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation, other than a legal or professional trade publication, in the city in which the premises are situated, or if the premises are not in a city, the publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of the notice shall be prescribed by the department. Affidavit of publication shall be filed with the department prior to the issuance of any license. The department shall adopt rules and regulations to enforce the provisions of this section.

(b) Any applicant for an on-sale or off-sale license at a premises which is located in a census tract which has an undue concentration of licenses, as defined in paragraph (2) or (3) of subdivision (a) of Section 23958.4, shall cause a notice of the application to be published pursuant to Section 6063 of the Government Code in a newspaper of general circulation other than a legal or trade publication. Publication shall be made in the city in which the premises are situated, or if the premises are not in a city, the publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of the notice shall be prescribed by the department. Affidavit of publication shall be filed with the department prior to the issuance of any license. The department shall adopt rules and regulations to enforce the provisions of this subdivision.

(c) This section shall not apply to any licensee subject to the notification requirements of Section 23985.5 or Section 23987.

SEC. 2. Section 24013 of the Business and Professions Code is amended to read:

24013. (a) Protests may be filed at any office of the department within 30 days from the first date of posting the notice of intention to engage in the sale of alcoholic beverages at the premises, within 30 days of the mailing of the notification pursuant to Section 23985.5, or within 30 days of the mailing of the notices of the department to public officials as required by Section 23987, whichever is later. The time within which a local law enforcement agency may file a protest shall be extended by the period prescribed in Section 23987, pursuant to a request made under that section.

(b) (1) The department may reject protests, except protests made by a public agency or public official or protests made by the

governing body of a city or county, if it determines the protests are false, vexatious, frivolous, invalid or unreasonable, or without reasonable or probable cause at any time before hearing thereon, notwithstanding Section 24016 or 24300. If, after investigation, the department recommends that a license be issued notwithstanding a protest by a public agency, a public official, or the governing body of a city or county, the department shall notify the agency, official, or governing body in writing of its determination and the reasons therefor, in conjunction with the notice of hearing provided to the protestant pursuant to Section 11509 of the Government Code. If the department rejects a protest as provided in this section and issues a license, a protestant whose protest has been rejected may, within 10 days after the issuance of the license, file an accusation with the department alleging the grounds of protest as a cause for revocation of the license and the department shall hold a hearing as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The department shall promulgate regulations by January 1, 2016, to implement this provision.

(c) Nothing in this section shall be construed as prohibiting or restricting any right that the individual making the protest might have to a judicial proceeding.

SEC. 3. Section 24014 of the Business and Professions Code is amended to read:

24014. (a) A protest made by any person other than an employee of the department or a public officer shall be verified. Verification may be on information and belief.

(b) A protest made pursuant to this section shall be submitted by an individual and shall be limited to one signatory.

Approved _____, 2013

Governor