

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2260

Introduced by Assembly Member Alejo

February 21, 2014

An act to ~~amend Section 23321.7 of the Business and Professions Code, relating to alcoholic beverages.~~ *add Section 1090.3 to the Government Code, relating to law enforcement.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2260, as amended, Alejo. ~~Licenses: on-sale general bona fide public eating place intermittent dockside license. Law enforcement: officers: motor vehicle sales: prohibitions.~~

Existing law prohibits a state, county, or city officer or employee, among others, from being a purchaser at any sale or a vendor at any purchase made by him or her in his or her official capacity. Existing law provides that willful violation of these provisions is a crime punishable by a fine of not more than \$1,000, or by imprisonment in the state prison.

This bill would also prohibit a state, county, or city law enforcement officer from purchasing or otherwise obtaining a motor vehicle, or accepting a gift or donation of a motor vehicle, from a vehicle towing, transportation, or impound company that does business with the state, county, or city agency that employs the officer. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under the Alcoholic Beverage Control Act, the Department of Alcoholic Beverage Control may issue an on-sale general bona fide public eating place intermittent dockside license for specified vessels. Vessels holding a license pursuant to these provisions may only sell and serve alcoholic beverages in the county where issued and to the general public aboard the vessel when the vessel is securely lashed on berth in the county for which the license is issued, as provided.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 1090.3 is added to the Government Code,
2 to read:

3 1090.3. A state, county, or city law enforcement officer shall
4 not purchase or otherwise obtain a motor vehicle, nor accept a
5 gift or donation of a motor vehicle, from a vehicle towing,
6 transportation, or impound company that does business with the
7 state, county, or city agency that employs the officer.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 SECTION 1. ~~Section 23321.7 of the Business and Professions~~
18 ~~Code is amended to read:~~

19 ~~23321.7. An on-sale general bona fide public eating place~~
20 ~~intermittent dockside license for vessels of more than 7,000 tons~~
21 ~~displacement may be issued for any vessel of more than 7,000 tons~~
22 ~~displacement with cabin berth capacity for at least 75 passengers.~~

1 Each license issuable under this section shall be used only in the
2 county where issued, but a vessel qualified under this section may
3 be issued such a license in more than one county. Notwithstanding
4 the provisions of Section 23397, the licensee under each license
5 shall be authorized to sell alcoholic beverages to the general public
6 aboard the vessel respecting which the license is issued when the
7 vessel is securely lashed on berth in the county for which the
8 license is issued, provided that these sales are incidental to the
9 passenger operations of the vessel and the beverages are purchased
10 from persons licensed to sell alcoholic beverages for resale in this
11 state. In no event shall the rights under a license issued under this
12 section be exercised in any county during more than 100 calendar
13 days in any calendar year. Notwithstanding the provisions of
14 Article 2 (commencing with Section 23815) of Chapter 5, there
15 shall be no limitation, other than provided in this section, on the
16 number of licenses that may be issued under this section to
17 applicants who meet its requirements. Except as otherwise
18 specifically provided in this section, all provisions of this division
19 shall apply to any license issued under this section in the same
20 manner as those provisions apply to an on-sale general license
21 issued for a bona fide public eating place, provided that no caterer's
22 permit may be issued pursuant to Section 23399 with respect to
23 any license issued hereunder, and provided further that any
24 duplicate license issued pursuant to Section 24042 respecting that
25 vessel shall bear the same fee specified by Section 23320.

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