

Introduced by Senator Hall

February 23, 2015

An act to amend Sections 24045, 24045.1, and 25633 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 327, as introduced, Hall. Alcoholic beverages: licensees.

The Alcoholic Beverage Control Act authorizes the issuance of a special license for the sale of beer or wine on a temporary basis to a licensee for a picnic, social gathering, or similar occasion. The act also prohibits alcoholic beverages from being delivered to on-sale and off-sale licensees on Sunday or on any other day except between the hours of 3 a.m. and 8 p.m., and further provides that a violation of this provision is a misdemeanor.

This bill would allow beer wholesalers to deliver beer to holders of the special license described above between the hours of 8 a.m. and 8 p.m. on Sunday. The bill would make conforming technical changes.

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

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

- 1 SECTION 1. Section 24045 of the Business and Professions
- 2 Code is amended to read:
- 3 24045. (a) All licenses, except on-sale general licenses for
- 4 seasonal businesses and daily on-sale general licenses issued
- 5 pursuant to Section 24045.1, shall be issued on an annual basis.
- 6 ~~However, the department may issue special licenses for the sale~~
- 7 ~~of beer or wine on a temporary basis for premises temporarily~~

1 ~~occupied by the licensee for a picnic, social gathering, or similar~~
 2 ~~occasion at a fee equal to the actual cost of issuing the license, but~~
 3 ~~not to exceed twenty-five dollars (\$25) per day.~~

4 (b) Notwithstanding subdivision (a), a license transferred
 5 pursuant to Section 24071 or 24071.1 shall be issued for the
 6 unexpired term remaining on the license of the transferor.

7 (c) The director may assign or reassign dates for the expiration
 8 of licenses issued pursuant to this section. The director may
 9 establish a registration year for any license issued pursuant to
 10 subdivision (a) consisting of any period from six months to 18
 11 months, inclusive, and shall prorate related annual fees to the extent
 12 the registration year is greater or less than 12 months, with
 13 subsequent renewals being required at yearly intervals.

14 SEC. 2. Section 24045.1 of the Business and Professions Code
 15 is amended to read:

16 24045.1. (a) The department, in its discretion, may issue on
 17 a temporary basis a daily on-sale general license and the fee for
 18 ~~such the~~ license shall be twenty-five dollars (\$25) per day. ~~Such~~
 19 *The* license authorizes the sale of distilled spirits, wine, and beer
 20 for consumption on the premises where sold, and ~~no~~ off-sale
 21 privileges shall *not* be exercised under ~~such the~~ license. A daily
 22 on-sale general license may only be issued to a political party or
 23 affiliate supporting a candidate for public office or a ballot measure,
 24 an organization formed for a specific charitable or civic purpose,
 25 a fraternal organization in existence for over five years with a
 26 regular membership, or a religious organization. Distilled spirits
 27 sold under a daily on-sale general license shall have been purchased
 28 at retail from the holder of an off-sale general license.

29 (b) (1) *The department may issue a special licenses for the sale*
 30 *of beer or wine on a temporary basis for premises temporarily*
 31 *occupied by a licensee for a picnic, social gathering, or similar*
 32 *occasion at a fee equal to the actual cost of issuing the license,*
 33 *but not to exceed twenty-five dollars (\$25) per day.*

34 (2) *In addition to the hours and days specified in Section 25633,*
 35 *a beer wholesaler may deliver beer between the hours of 8 a.m.*
 36 *and 8 p.m. on Sunday to a licensee who has obtained a license*
 37 *pursuant to this subdivision.*

38 ~~The~~

39 (c) *The* department may adopt such rules as it determines to be
 40 necessary to implement and administer the provisions of this

1 section, including, but not limited to, limitations on the number
2 of times during any calendar year a qualified organization may be
3 issued a license provided for by this section.

4 ~~The~~

5 *(d) The* provisions of Article 2 (commencing with Section
6 23815) of Chapter 5 and Article 2 (commencing with Section
7 23985) of Chapter 6 of this division shall not be applicable to the
8 licenses provided for by this section.

9 SEC. 3. Section 25633 of the Business and Professions Code
10 is amended to read:

11 25633. Except as otherwise provided in this section, ~~no section~~
12 ~~and paragraph (2) of subdivision (b) of Section 24045.1,~~ a person
13 licensed as a manufacturer, winegrower, distilled spirits
14 manufacturer's agent, rectifier, or wholesaler of any alcoholic
15 beverage shall *not* deliver or cause to be delivered any alcoholic
16 beverage to or for any person holding an on-sale or off-sale license
17 on Sunday or except between the hours of 3 a.m. and 8 p.m. of
18 any day other than Sunday. Any alcoholic beverage may be
19 delivered at the platform of the manufacturing, producing, or
20 distributing plant at any time. Nothing contained in this section
21 prohibits the transportation or the carriage and delivery in transit
22 at any time of any alcoholic beverage between the premises of a
23 manufacturer, winegrower, wholesaler, distiller, importer, or any
24 of them. Every person violating the provisions of this section is
25 guilty of a misdemeanor.