

**Introduced by Senator Dodd**January 17, 2020

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 866, as introduced, Dodd. Alcoholic beverages: on-sale licenses: County of Napa.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. Existing law generally prescribes the number of on-sale general licenses that the department may issue based on the population of the county in which the licensed premises are located, as provided. Existing law supplements these licenses by authorizing the department to issue additional on-sale general licenses in specified counties to bona fide public eating places based on seating capacity, among other things. In this regard, existing law authorizes the department to issue additional, new on-sale licenses in the County to bona fide public eating places that meet specified requirements.

This bill would authorize the department, commencing January 1, 2021, to issue up to 10 additional new original on-sale general licenses per year to bona fide public eating places in the Napa County that have a seating capacity for 25 or more diners. The bill would limit this authorization to a 5-year period. For specified additional on-sale general licenses issued on and after January 1, 2021, in Napa County, the bill would prohibit their sale or transference 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 County of Napa.

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 23826.10 of the Business and Professions  
2 Code is amended to read:

3 23826.10. (a) (1) Notwithstanding any other provision of this  
4 chapter, in any county of the 29th class, commencing January 1,  
5 2009, the department may issue five additional new original on-sale  
6 general licenses for bona fide public eating places per year, for a  
7 period of three years. Any premises to qualify for a license under  
8 this paragraph shall have a seating capacity for 50 or more diners.  
9 In no event shall more than 15 on-sale general licenses for bona  
10 fide eating places be issued under this paragraph.

11 (2) Notwithstanding any other provision of this chapter, in any  
12 county of the 29th class, the department, in addition to those  
13 licenses issued pursuant to paragraph (1), may issue no more than  
14 a total of five additional new original on-sale general licenses for  
15 bona fide public eating places from January 1, 2017, to December  
16 31, 2017, inclusive. Any premises to qualify for a license under  
17 this paragraph shall have a seating capacity for 25 or more diners.

18 (3) Notwithstanding any other provision of this chapter, in any  
19 county of the 29th class, commencing January 1, 2018, in addition  
20 to those licenses issued pursuant to paragraphs (1) and (2), the  
21 department may issue five additional new original on-sale general  
22 licenses for bona fide public eating places per year, for a period  
23 of four years. Any premises to qualify for a license under this  
24 paragraph shall have a seating capacity for 25 or more diners. In  
25 no event shall more than 20 on-sale general licenses for bona fide  
26 eating places be issued under this paragraph.

27 (4) *Notwithstanding any other provision of this chapter, in any*  
28 *county of the 29th class, commencing January 1, 2021, in addition*  
29 *to those licenses issued pursuant to paragraphs (1) to (3), inclusive,*  
30 *the department may issue 10 additional new original on-sale*  
31 *general licenses for bona fide public eating places per year, for a*  
32 *period of five years. Any premises to qualify for a license under*  
33 *this paragraph shall have a seating capacity for 25 or more diners.*

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

3 (c) Nothing in this chapter shall prohibit a person who currently  
4 holds a valid on-sale general license for seasonal business from  
5 applying for an original on-sale general license pursuant to this  
6 section.

7 (d) (1) A license issued under this section shall not be  
8 transferred from one county to another nor shall it be transferred  
9 to any premises not qualifying under this section.

10 (2) *A license issued under paragraph (3) or paragraph (4) of*  
11 *subdivision (a) on and after January 1, 2021, shall not be sold or*  
12 *transferred for a price greater than the original fee paid by the*  
13 *seller or transferor.*

14 SEC. 2. The Legislature finds and declares that a special statute  
15 is necessary and that a general statute cannot be made applicable  
16 within the meaning of Section 16 of Article IV of the California  
17 Constitution because of the unique circumstances of the economy  
18 in the County of Napa.