

AMENDED IN ASSEMBLY MAY 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1437

Introduced by Assembly Member Leslie

February 23, 2001

An act to ~~amend Section 24045.11 of~~ *add Section 24045.12* to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Leslie. Alcoholic beverages: licenses: bed and breakfast inn.

Existing law authorizes the Department of Alcoholic Beverage Control to issue a special on-sale wine license to any person operating a bed and breakfast inn, as specified.

This bill would authorize the department to issue a special on-sale general license to any person operating a bed and breakfast inn, as specified, to serve any alcoholic beverage, as defined, *and to charge a fee in an unspecified amount for that license.*

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

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

- 1 ~~SECTION 1. Section 24045.11 of the Business and~~
- 2 *SECTION 1. Section 24045.12 is added to the Business and*
- 3 *Professions Code, to read:*

1 24045.12. (a) *The department may issue a special on-sale*
2 *general license to an establishment licensed to do business as a bed*
3 *and breakfast inn.*

4 (b) *“Bed and breakfast inn,” as used in this section, means an*
5 *establishment of 20 guestrooms or fewer, that provides overnight*
6 *transient occupancy accommodations, that serves food only to its*
7 *registered guests, that serves only a breakfast or similar early*
8 *morning meal, and with respect to which the price of the food is*
9 *included in the price of the overnight transient occupancy*
10 *accommodation. For purposes of this section, “bed and breakfast*
11 *inn” refers to an establishment as to which the predominant*
12 *relationship between the occupants thereof and the owner or*
13 *operator of the establishment is that of innkeeper and guest. For*
14 *purposes of this section, the existence of some other legal*
15 *relationship as between some occupants and the owner or operator*
16 *is immaterial.*

17 (c) *An establishment holding a license under this section is*
18 *authorized to serve any alcoholic beverage, as defined in Section*
19 *23004, only to registered guests of the establishment. The*
20 *alcoholic beverage may not be given away to guests, but the price*
21 *of the beverage shall be included in the price of the overnight*
22 *transient occupancy accommodation. Guests may not be permitted*
23 *to remove any alcoholic beverage served in the establishment from*
24 *the grounds.*

25 (d) *An establishment holding a license under this section shall*
26 *purchase all beer, wine, or distilled spirits for sale on the licensed*
27 *premises from a licensed wholesaler or winegrower.*

28 (e) *The applicant for a license shall accompany the application*
29 *with an original fee of ____ and shall pay an annual renewal fee*
30 *of ____ for each guestroom in the establishment.*

31 *SEC. 2. It is the intent of the Legislature that the Department*
32 *of Alcoholic Beverage Control recommend to the Legislature the*
33 *amount of the fees to be charged pursuant to Section 24045.12 of*
34 *the Business and Professions Code. In making that*
35 *recommendation, it is the further intent of the Legislature that the*
36 *department take into consideration whether the applicant for the*
37 *license pursuant to Section 24045.12 was previously licensed*
38 *pursuant to Section 24045.11.*

39 ~~Professions Code is amended to read:~~



1 ~~24045.11. (a) The department may issue a special on-sale~~
2 ~~general license to an establishment licensed to do business as a bed~~
3 ~~and breakfast inn.~~

4 ~~(b) “Bed and breakfast inn,” as used in this section, means an~~
5 ~~establishment of 20 guestrooms or less, which provides overnight~~
6 ~~transient occupancy accommodations, which serves food only to~~
7 ~~its registered guests, which serves only a breakfast or similar early~~
8 ~~morning meal, and with respect to which the price of the food is~~
9 ~~included in the price of the overnight transient occupancy~~
10 ~~accommodation. For purposes of this section, “bed and breakfast~~
11 ~~inn” refers to an establishment as to which the predominant~~
12 ~~relationship between the occupants thereof and the owner or~~
13 ~~operator of the establishment is that of innkeeper and guest. For~~
14 ~~purposes of this section, the existence of some other legal~~
15 ~~relationships as between some occupants and the owner or~~
16 ~~operator is immaterial.~~

17 ~~(c) An establishment holding a license under this section is~~
18 ~~authorized to serve any alcoholic beverage, as defined in Section~~
19 ~~23004, only to registered guests of the establishment. The~~
20 ~~alcoholic beverage, may not be given away to guests, but the price~~
21 ~~of the beverage shall be included in the price of the overnight~~
22 ~~transient occupancy accommodation. Guests may not be permitted~~
23 ~~to remove any alcoholic beverage served in the establishment from~~
24 ~~the grounds.~~

25 ~~(d) The applicant for a license shall accompany the application~~
26 ~~with an original fee of fifty dollars (\$50) and shall pay an annual~~
27 ~~renewal fee of five dollars (\$5) for each guestroom in the~~
28 ~~establishment.~~

