

Title 4. Business Regulations
Division 1. Department of Alcoholic Beverage Control
Article 11. Applications and Licenses
Section 66. Premises Where License Previously Denied, Revoked, or Conditions
Imposed

Written statement explaining why the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision per Title 1, Section 100(b)(3):

AB 1042 (Alpert, Chapter 538, Statutes of 1996) added Business and Professions Code Section 24013.5.

Subdivision (a) of Section 24013.5 duplicates and supersedes the first paragraph of Rule 66 which prohibits the department from issuing a license for any premises for which a license has been denied or revoked for reasons pertaining to the premises unless one year has elapsed from the date the order becomes final.

Subdivision (b) of Section 24013.5 is inconsistent with and supersedes most of the third paragraph of Rule 66. Subdivision (b) prohibits a license from being issued for any premises for which a license has been denied two times within a 36-month period, unless two years have elapsed from the date that the last order became final. The rule gives the Department discretion to issue a license that has been denied or revoked. It also gives the Department discretion to accept a petition to remove conditions if the reasons for the conditions no longer exist. The statute (Section 24013.5(a) and (b)) removes the Department's discretion to issue a license that has either been denied or revoked. The part of the third paragraph of Rule 66 that gives the Department discretion to accept a petition to remove conditions if the reasons no longer exist, however, is still valid.