

Title 4. Business Regulations
Division 1. Department of Alcoholic Beverage Control
Article 11. Applications and Licenses
Section 60. Transfer of Licenses.

- (a) Subject to the provisions of law and of the department's rules limiting the number of licenses which may be issued in any county, licenses may be transferred from person to person and from premises to premises within the same county upon a single transfer application.
- (b) The transferee shall make application to the department for a license of the type to be transferred and shall meet all the qualifications required of an original applicant for such license. The transferor shall join in the application.
- (c) The transfer fee shall be paid by the transferee and shall accompany the application. The renewal fee shall accompany the transfer fee under circumstances described in Section 24048.2 or Section 24048.4 of the Business and Professions Code.
- (d) In the absence of a temporary permit, the transferee shall not exercise any of the privileges of a licensee until the license is transferred by the issuance of a license certificate to the transferee. The transferor shall not permit the transferee to exercise any of the privileges of his license until the license is transferred.
- (e) If a temporary permit is issued to the applicant for the transfer of **an on-sale general a** license on which a caterer's permit has been issued, the temporary permittee shall be entitled to exercise all the privileges of a caterer's permit during the period in which the temporary permit remains in effect without the payment of an additional fee.
- (f) The administrator or executor of the estate of a deceased licensee may execute a transfer application and shall accompany such transfer application with a certified copy of letters testamentary or letters of administration.
- (g) The guardian of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him guardian.
- (h) In the event of the death of a limited partner licensee, or a general partner licensee where another general partner survives, the surviving partner or partners may execute a transfer application. In the event of the death of a general partner licensee where the only surviving partner is a limited partner, the executor or administrator of the estate of such general partner, or a person denominated in subsection (j) hereof, must also execute the transfer application. In both events, the transfer application shall be accompanied by a certified copy

of the death certificate of the deceased partner, or other documentary proof of death satisfactory to the department.

(i) A trustee of the bankrupt estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him trustee.

(j) In the event that the estate of a deceased licensee may be disposed of without administration pursuant to Chapter 10 of Division 3 of the Probate Code and, if no administrator or executor of the estate is appointed, the surviving spouse or any other person entitled to administer such estate pursuant to such chapter may execute a transfer application and shall accompany such transfer application with a certified copy of the death certificate of the deceased licensee, or other documentary proof of death satisfactory to the department, and with either a certified copy of the order under which he acts or, if no such order is obtained, with an affidavit of his right to the licensed business.

(k) The receiver of the estate of a licensee may execute a transfer application and shall accompany such transfer application with a certified copy of the order appointing him receiver.

(l) If the transferor is a partnership, all members thereof must execute the application unless the department is satisfied by affidavit or otherwise that one or more partner licensees have abandoned their interest in the business and that such abandonment has continued for a period of not less than six consecutive months immediately preceding the application. The department may accept a transfer application executed by the remaining partners or any other person properly authorized by power of attorney.

For purposes of this rule, a partner licensee shall have abandoned his interest in the licensed business if he makes an oral or written declaration to that effect, or if all of the following conditions exist:

- (1) He cannot be found or located.
- (2) He has taken no active part in the operation or management of the licensed business.
- (3) He has not received any income directly or indirectly from the licensed business.

(m) No license may be issued or transferred to any person unless he owns or otherwise has possession and control, or a right to possession and control, of the premises for which he makes application for a license, evidenced by an instrument in writing or by other clear and convincing proof.

Authority: Sections 23300, 23820, 23950, 23951, 23952, 23953, 24048.2, 24048.4, 24070, 24071, 24072 and 25750, Business and Professions Code and Section 22 of Article XX of the California Constitution.

Reference: 23399, Business and Professions Code