

TITLE 4. ARTICLE 11. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL PROPOSED REGULATIONS

Text of amendments proposed for adoption.

Text removed from the initial proposal is in ~~strikethrough~~.

Text added to the initial proposal is in *underlined italics*.

§55.5 On-Sale Licenses for Boats.

~~On sale beer and wine licenses and on sale general licenses may be issued to the owner, lessee or operator of a boat carrying passengers for hire, and alcoholic beverages may be served on such vessels when operated or navigated by a person duly licensed by the United States Coast Guard; or on sale beer and wine licenses and onsale general licenses may be issued to qualified persons who operate as concessionaires on such publicly or privately owned, leased or operated boats carrying passengers for hire.~~

~~(a) Applicants must designate a primary home port for the boat, such primary home port address being the address as shown on the application for the license. The primary home port means the principal place for embarkation or debarkation of passengers, or the loading or unloading for supplies, and is normally used for the overnight berthing of the boat.~~

~~(b) Posting of notice of intention and publication as required by Sections 23985 and 23986 of the Business and Professions Code apply to onsale beer and wine and on sale general licenses for boats. Notice of intention to engage in the sale of alcoholic beverages shall be posted in a conspicuous place at the entrance of the boat dock or landing at the primary home port, and must also be posted in a conspicuous place on the boat unless application is made pursuant to Section 24044 of said Code, in which case posting of the boat is unnecessary.~~

~~(c) On sale beer and wine and on sale general licenses for boats shall, at the request of the licensee or applicant, be issued pursuant to the provisions of Section 23800, subject to the following conditions:~~

~~(1) There shall be no sales of alcoholic beverages while the boat is at any dock, except sales to passengers one half hour prior to departing on scheduled trips or charters, and one half hour after returning from designated commercial docks pursuant to (A) or (B).~~

~~(A) In addition to its primary home port dock, a licensee may designate up to ten (10) commercial docks each year at which it intends to embark or debark passengers.~~

~~(B) A licensee may designate any public commercial dock within the state. Such designation shall be in writing.~~

~~(C) For purposes of these regulations, the term "commercial dock" shall mean a dock generally used by vessels carrying passengers for hire, for the embarkation or debarkation of passengers, or the loading or unloading of supplies.~~

- (a) Pursuant to Business and Professions Code sections 23321.6, subject to the statutory conditions, the Department may issue all the following:
- (1) an on-sale beer fishing party boat license, type 44;
 - (2) an on-sale beer and wine boat license, type 45; and
 - (3) an on-sale general boat license, type 54.
- (b) Pursuant to Business and Professions Code sections 23321.7, subject to the statutory conditions, the Department may issue all the following:
- (1) an on-sale general vessel license, type 56; and
 - (2) An on-sale general bona fide public eating place intermittent dockside vessel license, type 62.
 - (A) Type 62 licenses shall be issued for each vessel operated by the licensee, and each vessel must hold a separate type 62 license for each county in which it operates.
- (c) Licenses issued under this section shall have no off-sale or delivery privileges.
- (d) Licenses issued under this section shall authorize sales of alcoholic beverages only to passengers and off-duty employees. For purpose of this section, the term "passengers" shall mean members of the public who have purchased a ticket to travel upon the boat or vessel, and the ticket purchased is not just for the purpose of boarding the boat or vessel to purchase and consume alcoholic beverages.
- (e) Licenses issued pursuant to this section must be held by the owner, lessee, or operator of a boat operated or navigated by a person duly licensed by the United States Coast Guard carrying passengers for hire, or qualified persons who operate as concessionaires on publicly or privately owned, leased, or operated boats navigated by a person duly licensed by the United States Coast Guard carrying passengers for hire.
- (f) Applicants must designate a primary home port for the boat, such primary home port address being the premises address as shown on the application for the license. The primary home port means the principal place for embarkation or debarkation of passengers, or the loading or unloading for supplies, and is normally used for the overnight berthing of the boat.
- (g) Without limitation, sections 23789, 23985, 23985.5, and 23986 of the Business and Professions Code, and Title 4 California Code of Regulations section 61.4 shall specifically apply to all licenses in this section.
- (h) The notice of intention to sell alcoholic beverages pursuant to Business and Professions Code section 23985 shall be posted in a conspicuous place at the entrance of the boat dock or landing at the primary home port and must also be posted in a conspicuous place on the

boat. If the application is made pursuant to Business and Professions Code Section 24044, posting on the boat is not required.

(i) Type 45 and type 54 licenses shall be subject to the following conditions pursuant to Business and Professions Code 23800:

(1) While the boat is at a designated commercial dock, or its home port, sales of alcoholic beverages may only occur two hours prior to a scheduled trip or charter, during the time scheduled for trips and charters, and one hour after the scheduled return to designated commercial docks.

(A) Licensees shall keep records of scheduled trips and charters, including departure and return times, to establish compliance with Title 4 California Code of Regulations section 55.5(j)(1). These records shall be retained for at least three years and shall be subject to Business and Professions Code section 25753.

(2) In addition to its primary home port dock, a licensee may designate up to ten (10) commercial docks each year at which it intends to embark or disembark passengers.

(A) A licensee may designate any public commercial dock within the state. Such designation shall be in writing at the time of original issuance or the annual license renewal.

(B) For purpose of this section, the term “commercial dock” shall mean a dock generally used by vessels carrying passengers for hire, for the embarkation or disembarkation of passengers, or the loading or unloading of supplies.

Authority: Sections 23320, 23321.6, 23321.7 and 25750, Business and Professions Code.

Reference: Sections 23397, 23800, 23985, 23986, 24040, and 25753 Business and Professions Code.