

to reduce the burden of the local governing body or its designated subordinate officer or agency to support any request for conditions as required by paragraph (1). Notwithstanding Section 23987, the department may not transfer any license subject to this paragraph until after the time period permitted to request conditions as specified in this paragraph.

History.—Stats. 1969, Ch. 502, in effect November 10, 1969, deleted requirement for proceedings and reworded situations. Stats. 1989, Ch. 903, in effect January 1, 1990, permitted conditions on non-retail licenses. Stats. 1994, Ch. 027, in effect January 1, 1995, added subd. (d). Stats. 1999, Ch. 499, in effect January 1, 2000, added subd. (e). Stats. 2000, Ch. 979, in effect January 1, 2001, amended subd. (e) to specify when conditions may be requested. Stats. 2001, Ch. 931, in effect January 1, 2002, added 10 days to the time period a local governing body has to request conditions. Specifies this extension only applies to premises located in both high crime and overconcentrated districts. Stats. 2006, Ch. 625, SB 148, in effect January 1, 2007, amended subd. (e) to authorize the department to impose reasonable conditions at time of transfer.

23801. Restrictions. The conditions authorized by Section 23800 may cover any matter relating to the privileges to be exercised under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- (a) Restrictions as to hours of sale.
- (b) Display of signs.
- (c) Employment of designated persons.
- (d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.
- (e) In cases under Section 23800(c), the portion of the privileges to be exercised under the license.
- (f) The personal conduct of the licensee.

History.—Stats. 1969, Ch. 502, in effect November 10, 1969, added the personal qualifications of the licensee in first sentence and subd. (f).

23802. Conditions on license. Such conditions shall be endorsed upon the license and any renewal thereof and shall be binding upon all persons to whom the license is transferred.

23803. Removal of conditions. The department, upon its own motion or upon the petition of a licensee or a transferee who has filed an application for the transfer of the license, if it is satisfied that the grounds which caused the imposition of the conditions no longer exist, shall order their removal or modification, provided written notice is given to the local governing body of the area in which the premises are located. The local governing body has 30 days to file written objections to the removal or modification of any condition. The department may not remove or modify any condition to which an objection has been filed without holding a hearing as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Any petition for the removal or modification of a condition pursuant to this section shall be accompanied by a fee of one hundred dollars (\$100).

History.—Stats. 1983, Ch. 587, in effect January 1, 1984, added the last paragraph. Stats. 1997, Ch. 454, in effect January 1, 1998, amended to require notification of local governing body.

23804. Violations. A violation of a condition placed upon a license pursuant to this article shall constitute the exercising of a privilege or the performing of an act for which a license is required without the authority thereof and shall be grounds for the suspension or revocation of such license.

Violation of conditions vs. violation of rule.—The penalty of consecutive periods of suspension of a license for violation of a rule of the Department of Alcoholic Beverage Control, and for violation of a condition of the license duplicating the rule, constituted multiple penalties for a single act and was improper. *Cohan v. Department of Alcoholic Beverage Control*, 76 Cal. App. 3d 905.