

Title 4. Business Regulations
Division 1. Department of Alcoholic Beverage Control
Article 11. Applications and Licenses
Section 61.3. Undue Concentration.

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 2897 (Caldera, Chapter 630, Statutes of 1994) added Business and Professions Code Section 23958.4 to define "undue concentration" for purposes of Business and Professions Code Section 23958 which prohibits issuance of a license that would tend to create a law enforcement problem or result in or add to an undue concentration of licenses. Section 23958.4 also included two exceptions for when licenses that would tend to create a law enforcement problem or result in an undue concentration of licenses may be issued. Both Business and Professions Code Section 23958.4 and Rule 61.3 define "undue concentration" and specify exceptions when licenses may be issued. The exceptions differ, however. The exception in Rule 61.3(a) (last sentence) is inconsistent with the exceptions in Business and Professions Code Section 23958.4(b)(1) and (2). Since Business and Professions Code Section 23958.4 supersedes Rule 61.3 and is duplicative of Rule 61.3, Rule 61.3 is no longer necessary and therefore should be repealed.